



**THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>TH</sup> STREET NW, SUITE 433  
WASHINGTON, D.C. 20009**

<b>IN THE MATTER OF</b>	)	Date: October 24, 2014
	)	
James Caviness, Treasurer	)	Docket No: 14C-050
James Caviness for Mayor 2014	)	
170 36th Street, NE	)	
Washington, DC 20018	)	

**ORDER**

**Statement of Case**

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Public Information and Records Management Division (“PIRM”), that pursuant to the Campaign Finance Act of 2011 (2012), District of Columbia Official Code § 1-1163.09(a)(1)(b) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2, **JAMES CAVINESS**, Treasurer for the James Caviness for Mayor 2014 Principal Campaign Committee (“committee”) failed to timely file the August 10<sup>th</sup> Report of Receipts and Expenditures that was due on Monday, August 11, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 25, 2014 and September 5, 2014, OCF ordered James Caviness (“Respondent”) to appear at a scheduled hearing on September 3, 2014 and September 18, 2014 and show cause why the committee should not be found in violation of the D.C. Official Code § 1-1163.09(a)(1)(b) and 3 DCMR § 3017.2, and fined accordingly.

**Summary of Evidence**

On September 18, 2014, Respondent appeared pro se to answer to the violations cited above. Laura McQueen, Legal Instruments Examiner appeared on behalf of the Office of Campaign Finance. Mrs. McQueen testified that Respondent failed to file the August 10<sup>th</sup> Report of Receipts and Expenditures (“R&E reports”) on Monday, August 11, 2014, in violation of the Campaign Finance Act of 2011 (2012), District of Columbia Official Code § 1-1163.09(a)(1)(b) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2.

Respondent testified that he did not satisfy the nominating petition signature requirements needed to appear on the 2014 General Election Ballot. In addition, Respondent testified that he did not receive any campaign contributions. Mistakenly, Respondent assumed that he was not required to file R&E reports with OCF, since he did not make the election ballot and did not collect any campaign contributions. OCF advised Respondent to the contrary and requested that Respondent file the August 10<sup>th</sup> Report no later than September 26, 2014.

On September 26, 2014, Respondent failed to file the August 10<sup>th</sup> Report; which became thirty-three (33) days past due of the August 11, 2014 filed deadline. To date, the Respondent and committee remain in noncompliance with the August 10<sup>th</sup> filing obligation.

**Findings of Fact**

**Having reviewed the allegations and the record herein, I find:**

1. Respondent is the treasurer of the James Caviness for Mayor 2014 Principal Campaign Committee.
2. Respondent was required to file the August 10<sup>th</sup> Report of Receipts & Expenditures by the required filing date of Monday, August 11, 2014.
3. Respondent failed to file the August 10<sup>th</sup> Report by the required due date.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated August 25, 2014 and September 5, 2014, OCF ordered Respondent to appear at a scheduled hearing on September 3, 2014 and September 18, 2014.
5. Respondent testified that he assumed that he was not required to file R&E reports with OCF because he did not make the election ballot and the committee did not received any campaign contributions.
6. Respondent was required to file the August 10<sup>th</sup> Report no later than September 26, 2014; however, failed to comply. Therefore, the August 10<sup>th</sup> Report is thirty-three (33) days past due.
7. To date, the Respondent and committee remain in noncompliance with the August 10<sup>th</sup> filing obligation.

**Conclusions of Law**

**Based on the record provided by OCF, I therefore conclude:**

1. Respondent violated D.C. Official Code § 1-1163.09(a)(1)(b) and 3 DCMR § 3017.2.
2. 3 DCMR § 3711.1 provides that each allegation shall constitute a separate violation and a fine shall attach for each day of non-compliance for each violation.
3. 3 DCMR § 3711.2(f) establishes a fifty dollar (\$50) fine for failure to timely file a Report of Receipts and Expenditures, **up to a maximum of \$1650.00**, pursuant to D.C. Official Code § 1-1163.35(3).
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent did not file the August 10<sup>th</sup> Report on the required filing date of August 11, 2014.

6. Respondent testified that he assumed that he was not required to file R&E reports with OCF because he did not make the election ballot and the committee did not received any campaign contributions.
7. Respondent was required to file the August 10<sup>th</sup> Report no later than September 26, 2014; however, failed to comply. Therefore, the August 10<sup>th</sup> Report is thirty-three (33) days past due.
8. To date, the Respondent and committee remain in noncompliance with the August 10<sup>th</sup> filing obligation.

**Recommendation**

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director impose a fine **\$1650.00** in this matter.

October 24, 2014

Date

Kalyanetta K. Peete  
Kalyanetta K. Peete  
Hearing Officer

**Concurrence**

In view of the foregoing, **I HEREBY CONCUR** with the Recommendation.

October 24, 2014

Date

William O. Sanford  
William O. Sanford  
General Counsel

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that a fine of **\$1650.00** is hereby imposed in this matter.

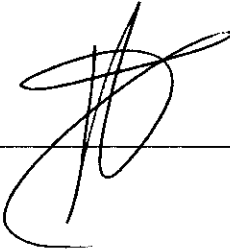
October 24, 2014

Date

Cecily E. Collier-Montgomery  
Cecily E. Collier-Montgomery  
Director

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that a true copy of the **ORDER** has been served on James Caviness, Treasurer, via regular and certified mail at 170 36th Street, NE, Washington DC 20018 on this 24<sup>th</sup> day of October, 2014.



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**Notice**

Any party adversely affected by an Order of the Director may: (1) file a Motion for Reconsideration (Motion) with the OCF within five (5) days after receipt of an Order, provided that, relevant evidence was omitted from consideration at the hearing (3 DCMR § 3709.13); or (2) obtain review of the Order by filing a request for a hearing *de novo* with the Board of Elections within fifteen (15) days from the date of issuance of an Order. Any fine imposed by the Director, pursuant to § 3711.2 shall become effective on the sixteenth (16<sup>th</sup>) day following the issuance of a decision or Order; provided that, the Respondent does not request a hearing *de novo*, the Board of Elections. Fines imposed shall be paid within ten (10) days of the effective date of the issued Order of the Director. Make payment by check or money order, payable to: District of Columbia Treasurer. Send payment to the *Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14<sup>th</sup> Street NW, Suite 433, Washington, DC 20009*.