

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14th STREET, NW SUITE 420
WASHINGTON, DC 20009
(202) 671-0550**

IN THE MATTER OF

**James Caviness for Mayor 2014
C/o James Caviness, Treasurer
170_36th Street, NW #2
Washington, DC 20019**

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**Docket No: 2014 C-100
Docket No: 2015 C-025**

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to The Campaign Finance Reform Act of 2011 (The Act), codified in DC Official Code §1-1163.09(b), James Caviness, treasurer for campaign committee James Caviness for Mayor 2014 failed to timely file a Receipts and Expenditure Report (hereafter R&E Report) on or before December 10, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance (Notice of Hearing) dated January 7, 2015 sent via regular mail and the second notice sent via certified mail on February 4, 2015, OCF ordered James Caviness (hereafter Respondent), to appear at a scheduled hearing on January 20, 2015 and on February 17, 2015 respectively and show cause why he should not be found in violation of Title III of the "Campaign Finance Act of 2011", and fined accordingly.

OCF also sent Respondent a third Notice of Hearing on February 25, 2015 ordering him to appear for a hearing scheduled for March 3, 2015. The third Notice of Hearing was sent to reschedule the February 17, 2015 hearing. On that date (February 17, 2015) the District of Columbia government was closed because of inclement weather.

Summary of Evidence

Respondent failed to appear for the scheduled hearings. Respondent has not contacted the OCF and it is presumed that the Notices of Hearing sent via regular mail and electronic mail to: jamesmcaviness@yahoo.com was delivered. OCF did not receive any notices of non-delivery from the US Postal Service, and a confirmation message "Delivery ...Is Complete" was received from the computer program.

The Notice of Hearing sent via certified mail was returned to OCF marked "Return to Sender, Attempted, Unable to Forward". It is the presumption of this hearing officer that Respondent received the Notices of Hearing sent electronically and via regular mail. Therefore, service is adequate and satisfies the requirements pursuant to the 5th amendment to the Constitution.

4. On the date of the hearing scheduled for February 17, 2015, the R&E Report was forty three (43) days past due.
5. In accordance with DC Official Code 1-1163.35 the respondent PCC may be fined a maximum of Two Thousand Dollars (\$2,000.00) for failing to timely file a December 10, 2014 R&E Report.
6. For good cause shown pursuant to 3 DCMR 3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of Two Thousand Dollars (\$2,000.00) in this matter.

March 31, 2015
Date

Leonard Muhammad
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

April 1, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS HEREBY ORDERED that the fine in this matter is Two Thousand Dollars (\$2,000.00).

April 1, 2015
Date

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

4. On the date of the hearing scheduled for February 17, 2015, the R&E Report was forty three (43) days past due.
5. In accordance with DC Official Code 1-1163.35 the respondent PCC may be fined a maximum of Two Thousand Dollars (\$2,000.00) for failing to timely file a December 10, 2014 R&E Report.
6. For good cause shown pursuant to 3 DCMR 3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of Two Thousand Dollars (\$2,000.00) in this matter.

March 31, 2015
Date

Conrad C. Muhammad
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

April 1, 2015
Date

William O. SanFord
William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS HEREBY ORDERED that the fine in this matter is Two Thousand Dollars (\$2,000.00).

April 1, 2015
Date

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

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on James Caviness
170_36th Street, NE #2 Washington, DC 20019 by regular mail, on April 1, 2015

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NOTICE

Any party adversely affected by and order of the Director may obtain review of the order by filing with the Board of Elections and Ethics, a request for a hearing *de novo*. Pursuant to 3 DCMR §3711.5, any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, 2000 Fourteenth Street, N.W., Suite 433 Washington, DC 20009.