

**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
James Caviness, Treasurer
170_36th Street, NE #2
Washington, DC 20019

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DOCKET NO.: 2015 C-078
November 20, 2015

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to The Campaign Finance Act of 2011 (The Act), codified in DC Official Code 1-1163.01, James Caviness, treasurer for the campaign committee "James Caviness for Mayor 2014" failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for July 31, 2015, on or before the sanctioned extended date of August 17, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 31, 2015 and September 18, 2015 respectively OCF ordered James Caviness (hereinafter Respondent), to appear at a scheduled hearing on Wednesday September 16, 2015 and on Thursday October 1, 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.

Summary of Evidence

OCF sent the Notices of Hearing dated September 16, 2015 to the Respondent via regular mail and sent the second Notice of Hearing dated September 18, 2015 via certified mail to the address of record for the Respondent. Notices of Hearing were also sent electronically to Jamesmcaviness@yahoo.com.

All Notices of Hearing sent via the US Postal Service were not returned to the OCF, and it is the presumption that they were delivered to the Respondent's address of record.

Respondent did not appear for either of the scheduled hearings. Respondent has a history of failing to timely file various R&E Reports that dates back to the 2014. He has been found in violation in at least four (4) prior cases by default judgment.

Findings of Fact

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

1. Respondent was the candidate and treasurer of record for the principal campaign committee "James Caviness for Mayor 2014."
2. Respondent committee was required to file a July 31, 2015 R&E Report on or before the sanctioned extended ate of August 17, 2015 in accordance with D.C. Official Code § 1-1163.09
3. Respondent treasurer never filed the July 31, 2015 R&E Report. He also has not responded to the Notices of Hearings sent to him via the US Postal Service and electronic mail. It is the presumption of the OCF that all Notices of Hearing was delivered to Respondent.
4. Respondent has a prior history of failure to timely file the R&E Reports that date back to the year 2014 with OCF.
5. Respondent candidate and committee are currently not in compliance with the statute. On the date of the second scheduled hearing the R&E report was thirty three (33) days past due.

Conclusions of Law

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

1. Respondent PCC violated DC Official Code §1-1163.09(b).
2. The penalty established at DC Official Code §1-1163.09, §1-1163.35, 3 DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file a July 31, 2015 R&E Report is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with DC Official Code 1-1163.35, the respondent PCC may be fined a maximum of \$1,650.00 for failing to timely file a July 31, 2015 R&E Report.
4. 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 in the amount of One Thousand Six Hundred Fifty Dollars (\$1,650.00) in this matter.

November 20, 2015
Date

Leontine Muhammed
Hearing Officer

Concurrence

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

November 20, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine imposed in this matter is One Thousand Six Hundred Fifty Dollars (\$1,650.00).

November 20, 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 11/23/2015.

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NOTICE

Any party adversely affected by any 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.