

**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

**Martin Sterbal for US Senate
Martin Sterbal, Treasurer
1325 ½ T Street, NW
Washington, DC 20009**

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**DOCKET NO.: 2015 C-074
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 (PIRM), that pursuant to The Campaign Finance Act of 2011 (The Act), codified in DC Official Code 1-1163.01, Martin Sterbal, treasurer for the campaign committee, "Martin Sterbal for US Senate" failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for July 31, 2015 on or before the extended filing date of August 17, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated September 16, 2015 and September 30, 2015 respectively, OCF ordered Martin Sterbal (hereinafter Respondent), to appear at a scheduled hearing on Tuesday September 29, 2015 and Wednesday October 14, 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

Respondent failed to appear for either of the scheduled hearings.

The OCF sent the Notice of Hearing via regular mail, certified mail and via electronic mail to mdsterbal@gmail.com. The notice sent via regular mail was not returned to the OCF. The notice sent via certified mail was returned marked "Undeliverable", and it is the presumption that the notices sent via electronic mail were delivered to Respondent's email address that he listed when he registered with OCF. Therefore, it is the presumption that Respondent received the Notice of Hearing by at least two of the three methods used for delivery.

Therefore, Respondent is in violation of the District of Columbia Campaign finance laws by default judgment.

Findings of Fact

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

1. Respondent was the candidate and treasurer of the campaign committee "Martin Sterbal for US Senate.
2. Respondent committee was required to file a July 31, 2015 R&E Report on or before the extended due date of August 17, 2015 in accordance with D.C. Official Code § 1-1163.09
3. The OCF sent the Notice of Hearing via regular mail, certified mail and via electronic mail to mdsterbal@gmail.com. The notice sent via regular mail was not returned to the OCF. The notice sent via certified mail was returned marked "Undeliverable", and it is the presumption that the notices sent via electronic mail were delivered to Respondent's email address that he listed when he registered with OCF. Therefore, it is the presumption that Respondent received the Notice of Hearing by at least two of the three methods used for delivery.
4. Respondent has never filed the July 31, 2015 R&E Report and remains in violation of the District of Columbia campaign laws.
5. Respondent has a history of failure to file R&E Reports for his campaigns and committee that dates back to the year 2014. The most recent violation was for failure to file the January 31, 2015 R&E Report.

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 \$2000.00 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

Respondent has a history of violations for failure to file R&E Reports that date back to the year 2014. In addition, OCF has filed a prior Petition for Enforcement at the Board of Elections, and Respondent did not appear for that hearing.

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.

November 20, 2015
Date

Leonard 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 in this matter is Two Thousand Dollars (\$2,000.00).

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 Martin Sterbal 1325 ½ T Street, NW Washington, DC 20009 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.