



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

IN THE MATTER OF

Nestor for Mayor 2014
Nestor Jorkam, Treasurer
819 10th Street, NE
Washington, DC 20002

) Date: March 16, 2015
)
) Docket No: 13R-023, 14R-001,
) 14R-012 and 14C-018
)
)

ORDER TO VACATE

Statement of the Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel pursuant to four (4) Orders issued against Terrence Jordan, Former Treasurer of the Nestor for Mayor 2014 Principal Campaign Committee (“committee”), in violation of the Campaign Finance Act of 2011, D.C. Official Code §§ 1-1163.03(a)(1)(A) and 1-1163.09(a)(1)(b) (2012), and the District of Columbia Municipal Regulations, 3 DCMR §§ 3403.2 and 3017.2 (August 2013).

Summary of Evidence

On December 12, 2013, the Office of Campaign Finance (“OCF”) issued an Order (referenced as Docket No. 13R-023) that imposed a fine of \$1,100 against the former treasurer, Terrence Jordan (“Jordan”), for failure to respond to a Request of Additional Information (“RFAI”), dated October 16, 2013 by October 31, 2013. Again, on February 28, 2014 and April 29, 2014, OCF issued two (2) Orders (referenced as Docket No. 14R-001 and 14R-012) that imposed separate fines of \$1,150 and \$1,650 against Jordan, for failure to respond to an RFAI dated December 16, 2013 by December 31, 2013 and a RFAI dated February 6, 2014 by February 21, 2014. Once more, on May 22, 2014 OCF issued another Order (referenced as Docket No. 14C-018) against Jordan that imposed a fine of \$1,300, for failure to timely file the March 10th Report of Receipts and Expenditures that was due on Monday, March 10, 2014.

The ordered fines documented above were not paid when due; therefore, OCF petitioned for enforcement of its Orders before the Board of Elections (“BOE”). The BOE attempted multiple times to serve Jordan with notice to appear at scheduled Pre-Conference Hearings on May 19, 2014, December 18, 2014 and December 21, 2014. However, BOE was unsuccessful in each attempt to serve Jordan.

Meanwhile, Jordan filed the March 10th Report on September 24, 2014, and then immediately resigned as treasurer of the committee. Consequently, the Respondent assumed the duties of treasurer and continued to file reports with OCF. Prior to assuming the duties of treasurer for the committee, Respondent was unaware of the previous Orders issued and fines imposed against Jordan. Nevertheless, Respondent took action to correct the RFAI violations incurred by Jordan and submitted the required information and documentation to OCF on December 2, 2014. Respondent and the committee are currently in compliance with their reporting and disclosure requirements and filed a Termination Report on February 12, 2015.

Findings of Fact

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

1. Jordan was the former treasurer of the Nestor for Mayor 2014 Principal Campaign Committee; Jordan resigned as treasurer in September 2014.
2. On December 12, 2013, February 28, 2014 and April 29, 2014, OCF issued an Order against Jordan for failure to respond to three (3) separate Requests for Information. Each Order imposed a separate fine of \$1,100, \$1,150 and \$1,650.
3. On May 22, 2014, OCF issued another Order against Jordan that imposed a fine of \$1,300, for failure to timely file the March 10th Report of Receipts and Expenditures that was due on Monday, March 10, 2014.
4. The ordered fines were not paid when due; therefore OCF petitioned enforcement of each Order issued against Jordan before the Board of Elections ("BOE").
5. BOE was unable to serve Jordan with notice to appear at several Pre-Conference Hearings scheduled on May 19, 2014, December 18, 2014 and December 21, 2014.
6. Jordan filed the March 10th Report of Receipts and Expenditures on September 24, 2014, and then resigned as treasurer of the committee.
7. Respondent assumed the duties of treasurer for the committee, but was unaware of the Orders issued and fines imposed against Jordan.
8. Respondent took action to correct the RFAI violations incurred by Jordan by submitting the requested information and documentation to OCF on December 2, 2014.
9. Respondent and the committee are currently in compliance with their reporting and disclosure requirements and filed a Termination Report on February 12, 2015.

Conclusions of Law

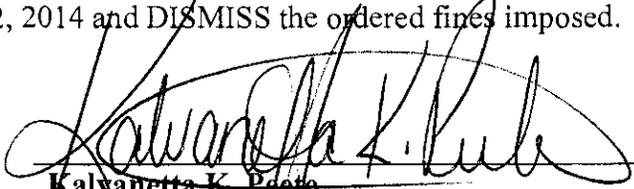
Based on the record provided by OCF, I therefore conclude:

1. Jordan violated D.C. Official Code §§ 1-1163.03(a)(1)(A) and 1-1163.09(a)(1)(b) (2012) and the District of Columbia Municipal Regulations, 3 DCMR §§ 3403.2 and 3017.2 (August 2013).
2. 3 DCMR §§ 3711.1 and 3711.2 2(q) provides that a fifty dollars (\$50) fine shall attach for each day Respondent fails to respond to a Request for Additional Information.
3. 3 DCMR §§ 3711.1 and 3711.2(f) provides that a fifty dollar (\$50) fine shall attached for each day the Respondent fails to file a Report of Receipts and Expenditures after the required filing date.
4. D.C. Official Code § 1-1163.35(a)(3) provides that the aggregate set of fines for each violation, may not exceed \$2,000.
5. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Jordan filed the March 10th Report on September 24, 2014 and then resigned as treasurer of the committee.
7. Respondent assumed the duties of treasurer for the committee, but was unaware of the Orders issued and fines imposed against Jordan.
8. Respondent took action to correct the RFAI violations incurred by Jordan by submitting the requested information and documentation to OCF on December 2, 2014.
9. Respondent and the committee are currently in compliance with their reporting and disclosure requirements and filed a Termination Report on February 12, 2015.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director VACATES the Orders issued December 12, 2013, February 28, 2014, April 29, 2014 and May 22, 2014 and DISMISS the ordered fines imposed.

March 16, 2015
Date



Kalvanetta K. Peete
Hearing Officer

Concurrence

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

March 16, 2015
Date

William O. Sanford
William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the Orders issued December 12, 2013, February 28, 2014, April 29, 2014 and May 22, 2014 are hereby **VACATED** and the ordered fines imposed shall be **DISMISSED**.

March 16, 2015
Date

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

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER TO VACATE** has been served on Nestor Jonkam, via regular mail at 819 10th Street, NE, Washington, D.C. 20002 on this 16th day of March, 2015.

[Signature]

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 (16th) day following the issuance of a decision or Order; provided that, the Respondent does not request a **hearing de novo** with 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 14th Street NW, Suite 433, Washington, DC 20009.