

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14th STREET, N.W., SUITE 433
WASHINGTON, D.C. 20009
Telephone: (202) 671-0547
Fax: (202) 671-0658**

IN THE MATTER OF

Committee to Re-Elect U.S. Senator Strauss
Richard Bianco, Treasurer
601 Pennsylvania Ave, NW #900, S Bldg.
Washington, D.C. 20004

) Date: May 8, 2014
)
) Docket No: 14C-005
)
)
)

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance ("OCF") Office of the General Counsel following a determination by its Public Information & Records Management ("PIRM") Division that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.09(b) (2012) and District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (August 2014), RICHARD BIANCO, Treasurer for the Committee to Re-Elect U.S. Senator Strauss ("committee") failed to timely file the January 31st Report of Receipts and Expenditures by the extended filing deadline of February 19, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 5, 2014 and March 25, 2014, OCF ordered Richard Bianco, Treasurer ("Respondent") to appear at a scheduled hearing on March 18, 2014 and April 2, 2014 and show cause why the committee should not be found in violation of the D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

Respondent submitted a written statement explaining that the January 31st report was filed "out-of-time, due to an innocent mistake." Respondent stated that "[he] has been the treasurer for the Strauss campaigns over many years and in that time [the committees] have always met [their] reporting obligations to the [OCF]." Respondent stated further that "for each reporting period, [Respondent] has grown accustomed to filing four (4) reports." Respondent acknowledges that he should have filed five (5) reports instead. However, Respondent argued that "all other reports were timely filed."

Respondent provided another reason for the untimely filing of the January 31st report, in that "customarily, the [OCF] sends notice of the filing deadline, which serves as a reminder to file the appropriate periodic report." However, Respondent did not receive the notice because it was mailed to an out-dated address.

On the basis of the information provided in Respondent's statement, OCF concedes that Respondent is the treasurer for five (5) Strauss committees: Strauss 2014 Committee; Re-Elect Paul Strauss 2008; Strauss for Ward 3 Council; and Committee to Re-Elect U.S. Senator Strauss. OCF further concedes that Respondent had timely filed the January 31st report for 4 out of 5 of the Strauss committees. More importantly, OCF discovered that the reminder notice was sent to an out-dated address.

Respondent did not receive the necessary information to timely satisfy the filing obligation in this matter because the reminder letter was mailed to an incorrect address. Respondent filed the January 31st report on April 29, 2014 and is no longer in noncompliance. Finally, Respondent has a demonstrated history of timely filings for each of the committees in which he serves as treasurer.

Findings of Fact

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

1. Respondent is the treasurer of the Committee to Re-Elect U.S. Senator Strauss.
2. Respondent was required to file the January 31st Report of Receipts & Expenditures by the extended filing deadline of February 19, 2014.
3. Respondent failed to file the January 31st report by the extended deadline.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated March 5, 2014 and March 25, 2014, OCF ordered Richard Bianco, Treasurer ("Respondent") to appear at a scheduled hearing on March 18, 2014 and April 2, 2014.
5. Respondent provided a credible explanation for the untimely filing, in that Respondent did not receive the reminder notice to file the January 31st report because the notice was mailed to an incorrect address.
6. Respondent filed the January 31st report on April 29, 2014; therefore, the committee is no longer in noncompliance.
7. Neither Respondent nor the committee has a history of delinquent filings.

Conclusions of Law

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

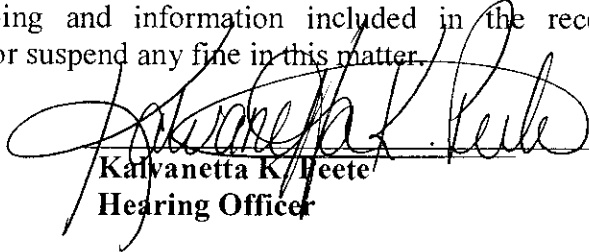
1. Respondent violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3403.2. Respondent failed to timely file the January 31st report by the extended filing deadline of February 19, 2014.

2. 3 DCMR § 3711.1 provides that upon a determination that a violation has occurred, the Director may ministerially impose fines upon the offending party. The Director may impose a fine upon the committee for Respondent's failure to timely file the January 31 report
3. 3 DCMR §§ 3711.2(f) imposes a fine of fifty (\$50) dollars for failure to file a Report of Receipts and Expenditures per day of noncompliance. Respondent filed the January 31st report on April 29, 2014, which accumulates to forty-eight (48) of noncompliance.
4. In accordance with D.C. Official Code § 1-1163.35(a)(3), the alleged violator may be fined up to a maximum of \$2,000 for each violation. The committee may be fined a maximum of \$2,000 for filing the January 31st report forty-eight (48) days past the filing due date.
5. Pursuant to 3 DCMR § 3711.7, for good cause shown, the Director of Campaign Finance may modify, rescind, dismiss or suspend any fine. Respondent did not receive the necessary notification from OCF to timely satisfy the January 31st filing obligation because the notification was mailed to an incorrect address. Furthermore, Respondent took action and filed the required report on April 29, 2014; therefore the committee is no longer in noncompliance. Finally, neither Respondent nor the committee has a history of filing delinquencies.

Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director suspend any fine in this matter.


May 8, 2014
Date


Kalyanetta K. Peete
Hearing Officer

Concurrence

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

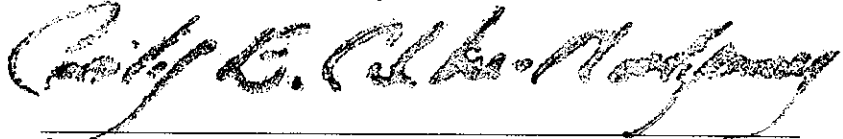
May 8, 2014
Date


William O. Sanford
General Counsel

ORDER OF THE DIRECTOR


IT IS ORDERED that the imposition of any fine is hereby **SUSPENDED** in this matter.

May 8, 2014
Date


Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** has been served on Richard Bianco, via regular mail at 601 Pennsylvania Ave, NW #900, S Bldg., Washington DC 20004 on this ___8th___ day of May, 2014.



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.*