



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

IN THE MATTER OF ) Date: March 16, 2015  
)  
Winifred Carson-Smith, Treasurer ) Docket No: 14C-037 and 14C-051  
Carson-Smith for DNC )  
1937 11<sup>th</sup> Street, NW )  
Washington, DC 20001 )

**ORDER TO VACATE**

**Statement of Case**

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel pursuant to two (2) Orders issued on July 31, 2014 and September 25, 2014 against Winifred Carson-Smith, Treasurer for the Carson-Smith for DNC Principal Campaign Committee (“committee”), for failure to file the June 10<sup>th</sup> Report of Receipts and Expenditures that was due on Tuesday, June 10, 2014 and failure to timely file the August 10<sup>th</sup> Report of Receipts and Expenditures that was due on Monday, August 11, 2014, in violation of the Campaign Finance Act of 2011 (2012), District of Columbia Official Code § 1-1163.09(a)(1)(b) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2.

By Notice of Hearing, Statement of Violations and Order of Appearance dated June 10, 2014, August 25, 2014 and September 5, 2014, OCF ordered Treasurer Winifred Carson-Smith (“Respondent”) to appear at a scheduled hearing on July 8, 2014, September 3, 2014 and September 18, 2014 and show cause why the committee should not be found in violation of the D.C. Official Code § 1-1163.09(a)(1)(b) and 3 DCMR § 3017.2, and fined accordingly.

**Summary of Evidence**

On July 31, 2014, the Office of Campaign Finance issued an Order (referenced by Docket No. 14C-037) against the Respondent that imposed a fine of \$850 for failure to timely file the June 10<sup>th</sup> Report of Receipts and Expenditures (“R&E Report”) that was due on Tuesday, June 10, 2014. The imposed fine became effective on November 4, 2014 and payment of the imposed fine was due on November 19, 2014. Respondent failed to pay the ordered fine by November 19, 2014; therefore on November 24, 2014, the OCF petitioned for enforcement of its Order before the Board of Elections (“BOE”).

On September 25, 2014, OCF issued another Order (reference as Docket No. 14C-051) against the Respondent that imposed a fine of \$1,350, for failure to timely file the August 10<sup>th</sup> R&E Report that was due on Monday, August 11, 2014. The imposed fine became effective on October 20, 2014 and payment of the fine was due on November 3, 2014. Respondent failed to pay the ordered fine by November 3, 2014; therefore on November 24, 2014, the OCF petitioned for enforcement of its Order before the BOE.

On January 21, 2015, Respondent and OCF appeared for a Pre-Conference Hearing before the BOE. During the hearing, it was discovered that Respondent filed the August 10<sup>th</sup> R&E Report on November 20, 2014, but had not yet filed the June 10<sup>th</sup> R&E Report. Therefore, OCF requested and BOE agreed to defer any negotiations of the ordered fines of \$850 and \$1,350 (an aggregate amount of \$2,200), until the Respondent filed the June 10<sup>th</sup> R&E Report.

Respondent filed the June 10<sup>th</sup> R&E Report on January 28, 2015. On January 30, 2015, the Respondent and OCF entered into a written payment agreement, in which Respondent would pay a reduced fine of \$125 for each violation, in one (1) installment in the amount of \$250, no later than Friday, February 27, 2015. As agreed, Respondent submitted a \$250 payment by check to the OCF on February 27, 2015.

**Findings of Fact**

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

1. Respondent is the treasurer of the Carson-Smith for DNC Principal Campaign Committee.
2. Respondent was required to file the June 10<sup>th</sup> and August 10<sup>th</sup> Report of Receipts & Expenditures, which were due on Tuesday, June 10, 2014 and Monday, August 11, 2014.
3. On July 31, 2014 and September 25, 2014 OCF issued Orders that imposed a separate fine of \$850 and \$1350, against the Respondent for failure to file the June 10<sup>th</sup> R&E Report and the August 10<sup>th</sup> R&E Report.
4. Respondent failed to pay the ordered fines; therefore OCF petitioned for enforcement of its Orders before the Board of Elections ("BOE").
5. Respondent filed the August 10<sup>th</sup> R&E Report on November 20, 2014.
6. On January 21, 2015, Respondent and OCF appeared before BOE for a pre-conference hearing. At the hearing, OCF requested and BOE agreed to defer any negotiations of the aggregated fines of \$2,200 until Respondent filed the June 10<sup>th</sup> R&E Report.
7. Respondent file the June 10<sup>th</sup> R&E Report on January 28, 2015, and on January 30, 2015, the Respondent entered into a written payment plan to pay a reduced fine of \$125 for each violation, in one (1) installment in the amount of \$250, no later than Friday, February 28, 2015.
8. Respondent submitted the required payment of \$250 by check, on Friday, February 27, 2015.
9. Respondent is currently in compliance with the committee's filing obligations and is awaiting approval to terminate the committee.

**Conclusions of Law**

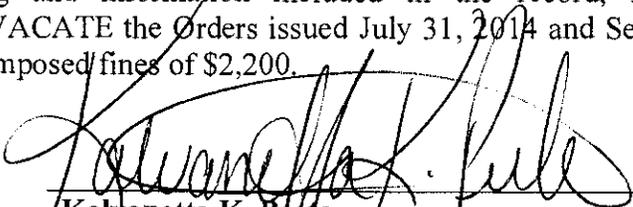
**Based on the record provided by OCF, I therefore conclude:**

1. Respondent violated D.C. Official Code § 1-1163.09(a)(1)(b) and 3 DCMR § 3017.2.
2. 3 DCMR § 3711.1 provides that each allegation shall constitute a separate violation and a fine shall attach for each day of non-compliance for each violation.
3. 3 DCMR § 3711.2(f) establishes a fifty dollar (\$50) fine for failure to timely file a Report of Receipts and Expenditures, up to a maximum of \$2000, pursuant to D.C. Official Code § 1-1163.35(3).
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent filed the August 10<sup>th</sup> R&E Report on November 20, 2014.
6. On January 21, 2015, Respondent and OCF appeared before BOE for a pre-conference hearing. At the hearing, OCF requested and BOE agreed to defer any negotiations of the aggregate ordered fines of \$2,200, until Respondent filed the June 10<sup>th</sup> R&E Report.
7. Respondent file the June 10<sup>th</sup> R&E Report on January 28, 2015, and on January 30, 2015, the Respondent entered into a written payment plan to pay a reduced fine of \$125 for each violation, in one (1) installment in the amount of \$250, no later than Friday, February 28, 2015.
8. Respondent submitted the required payment of \$250 by check, on Friday, February 27, 2015.
9. Respondent is currently in compliance with the committee's filing obligations and is awaiting approval to terminate the committee.

**Recommendation**

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director VACATE the Orders issued July 31, 2014 and September 25, 2014 and DISMISS the aggregate imposed fines of \$2,200.

March 16, 2015  
Date

  
Kalyanetta 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 July 31, 2014 and September 25, 2014 are hereby VACATED and the aggregate imposed fines of \$2,200 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** has been served on Winifred Carson-Smith, Treasurer, via regular and certified mail at 1937 11<sup>th</sup> Street, NW, Washington DC 20001 on this 16<sup>th</sup> 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 (16<sup>th</sup>) day following the issuance of a decision or Order; provided that, the Respondent does not request a hearing *de novo*, 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 14<sup>th</sup> Street NW, Suite 433, Washington, DC 20009.