

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: January 31, 2012
)	
The Honorable J. B. Shoatz)	DOCKET NO.: 11A-034A
ANC 8B04)	
1601 Gainesville Street, SE, #301)	
Washington, DC 20020)	

ORDER

This matter came before the Office of Campaign Finance (OCF) based upon respondent's motion for reconsideration of the Order of the Director issued on December 27, 2011. On December 27, 2011, the Director entered an Order in this matter which imposed a fine of \$100.00 for failure to timely file an ANC Summary Financial Statement on or before April 1, 2011, with the proviso that the respondent provide corroboration of his explanation for the filing delinquency within 10 days of the issuance of the Order. On January 10, 2012, the respondent filed a written statement, which was reexamined by the Hearing Officer.

Summary of Evidence

In the Motion, the respondent stated that he attended a "welcome meeting" for ANC Commissioners in or around January 2011, where he completed the required ANC Summary Financial Statement. Respondent stated that the form was collected, and he assumed it was forwarded to OCF. Further, respondent stated that Gottlieb Simon, head of the District of Columbia ANC Office could verify his statement. On January 27, 2012, Mr. Simon confirmed the veracity of Commissioner Shoatz' representation.

Findings of Fact

Having reviewed the respondent's motion and the record herein, I find that:

1. Respondent was a candidate for ANC office during the November 2010 General Elections in the District of Columbia.

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2. Respondent failed to timely file the required ANC Summary Financial Statement due on or before April 1, 2011.
3. Respondent filed the required ANC Summary Financial Statement on September 28, 2011.
4. On January 10, 2012, respondent filed the required written explanation for the filing delinquency, which was corroborated by a witness deemed to be credible.
5. Respondent is currently in compliance with the statute.

Conclusions of Law

1. Pursuant to the Order In the Matter of: J. B. Shoatz, Docket No. 11A-034, a fine in the amount of \$100.00 was imposed upon respondent herein.
2. In accordance with a proviso in the Order of the Director dated December 27, 2011, the respondent filed a written explanation for the filing delinquency, which was corroborated by representation of Gottlieb Simon, head of the District of Columbia ANC Office.
3. Respondent violated 3 DCMR Section 3002.5.
4. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file an ANC Summary Financial Statement.
5. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent's explanation for the filing delinquency, which was corroborated by a credible witness, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the fine in this matter; Provided that, respondent assumes personal responsibility for filing required reports with OCF in the future.

Date

_____/s/_____
Jean Scott Diggs
Senior Hearing Officer

Concurrence

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

Date

_____/s/_____
William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine be hereby suspended in this matter; Provided that, respondent assumes personal responsibility for filing required reports with OCF in the future.

_____	_____ /s/ _____
Date	Cecily E. Collier-Montgomery Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on the Honorable J. B. Shoatz by regular mail on January 31, 2012.

_____ /s/ _____

NOTICE

Pursuant to 3DCMR §3711.5 (March 2007), 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, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.