

**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

**Committee to Elect Tom Brown
Allie Bird, Treasurer
1226 U Street, SE
Washington, DC 20020**

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**Date: July 5, 2011
Docket No: 011 C-020**

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1102.06 (2001 Edition), Committee to Elect Tom Brown, Allie Bird, Treasurer failed to timely file, the 8 Day Pre-Special Election Receipt and Expenditure Report (hereinafter R&E) on or before April 18, 2011 as required by D.C. Official Code §1-1102.06.

By Notice of Hearing, Statement of Violations and Order of Appearance dated May 5, 2011, OCF ordered Allie Bird (hereinafter Respondent), to appear at a scheduled hearing on May 19, 2011 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §1-1101.01 et seq., and filed accordingly.

Summary of Evidence

On May 11, 2011, the Respondent treasurer contacted OCF via telephone. She stated that she completed the 8 Day Pre-Special Election R&E Report and filed it electronically. But, she also indicated that perhaps the electronic submission was not successful. She stated that she needed to file an amended R&E Report because the earlier report did not reflect receipts and expenditures received after the April 18th filing deadline.

The Respondent requested a postponement of the hearing scheduled for May 19, 2011. She was granted a new hearing date of May 26, 2011. The Respondent followed the telephone conversation with a letter dated May 12, 2011 (Exhibit #1).

On May 26, 2011, an informal hearing was conducted. The Respondent treasurer testified that she initially filed the R&E Report on April 18, 2001, but this report was not certified so she resubmitted the certified report on May 11, 2011(Exhibit #2). The Respondent submitted into the record a copy of the addendum to the (May 11, 2011) report that was electronically filed on May 25, 2011(Exhibit #3).

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The Respondent stated that this was the first campaign that she had been involved in since assuming the role as treasurer for the campaign committee. She also stated that the reason for the delay in filing the 8 Day Pre Special Election Report was attributed to her inability to reconcile the financial records. She stated that she is not a bookkeeper, and that she accepted the role of treasurer after being promised that someone else would have the responsibility of handling and preparing the financial records. As of the date of the hearing that promise has remained unfulfilled.

Findings of Fact

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

1. Respondent was treasure of the campaign Committee to Elect Tom Brown.
2. Respondent committee was required to file the 8 Day Pre-Special Election Report on or before April 18, 2011 in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent treasurer filed an uncertified R&E Report on April 18, 2011. She filed a certified R&E Report on May 11, 2011. On May 25, 2011 the Respondent filed an addendum to the R&E Report filed on May 11, 2011.
4. Respondent treasurer worked on her first campaign as treasurer for a candidate seeking elective office in the District of Columbia and she has no prior filing history with OCF.
5. Respondent treasurer's explanation for failing to timely file is credible in that Respondent stated that she accepted the role of treasurer after being promised that she would be given a bookkeeper to assist her with handling the campaign finances. She stated that this never happened and she was left with the responsibility of handling this task. She further stated that she did not have the skills to fulfill such a task.
6. Respondent apologized for not meeting the filing deadline and stated that the respondent committee has filed all other R&E Reports, and is currently in compliance with the statute.

Conclusions of Law

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

1. Respondent PCC violated DC Official Code §1-1102.06(a).
2. The penalty established at DC Official Code §1-1103.05 (b)(3), 3 DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file the 8 Day Pre-Special Election R&E Report required by DC Official Code 1-1102.06 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with DC Official Code 1-1103.05(b) (3), the respondent PCC may be fined a maximum of \$2000.00 for failing to timely file a the 8 Day Pre-Special Election 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

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Hearing Officer

Concurrence

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

Date

William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

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 Allie Bird by regular mail, on _____.

NOTICE

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.