

**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 Jacque Patterson
Jacque Patterson, Candidate
3521 21st Street, SE
Washington, DC 20020**

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**Date: January 9, 2012
Docket No: 011 C-026
Docket No: 011 C-038**

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), Jacque Patterson, Candidate, Committee to Elect Jacque Patterson failed to timely file, a Receipt and Expenditure Report (hereafter R&E) on or before June 10, 2011 as required by D.C. Official Code §1-1106.02.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 12, 2011, OCF ordered Timothy Lewis treasurer of record (hereafter Respondent), to appear at a scheduled hearing on August 23, 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 fined accordingly.

Summary of Evidence

On August 23, 2011 the Respondent candidate Jacque Patterson appeared at the hearing and represented himself. Respondent candidate stated that he was a candidate in the special election that took place on April 26, 2011 for the seat of Councilman at Large. He stated that he never received the prior mailings addressed to the treasurer because those mailings went to a post office box address, and that address has since been terminated.

Respondent candidate stated that he was unaware that his campaign had an obligation to file R&E Reports. He stated that before the election occurred his candidacy was challenged by his opponents Mr. Sekou Biddle and Mr. Vincent Orange (eventual winner of the seat). He further stated that the challenge was successful because it was determined that he failed to collect the required number of signatures needed to be on the ballot. As a result he was denied access to the ballot in the special election. He stated that the campaign was not able to continue because without validation by the Board of Elections he was unable to raise funding for his campaign.

Respondent candidate further stated that within a month of the successful challenge the campaign was closed down. During the hearing, he requested that OCF give him an opportunity to contact the Respondent treasurer, Timothy Lewis and obtain the necessary bank statements,

Committee to Elect Jacque Patterson
Page 2

financial records needed to file the June 10th R&E Report. Respondent candidate requested a seven (7) day extension of time to complete this task. OCF granted the Respondent candidate's request and gave him a twenty one day extension of time to complete the task. The respondent candidate was instructed to file the June 10th R&E Report by the close of business on Tuesday September 13, 2011. The Respondent candidate failed to comply with the extended deadline.

On December 7, 2011 Respondent candidate appeared for a second hearing. He was advised that since his last hearing appearance, OCF filed another violation against the committee for failure to file the R&E Report that was due on October 10, 2011 (Docket No: 011 C-038). OCF and the Respondent agreed to adjudicate all of the alleged violations in this hearing.

Respondent was accompanied by his treasurer, Timothy Lewis. Mr. Lewis represented that he electronically filed the R&E Reports that were due on June 10, 2011 and October 10, 2011 on or about November 29, 2011. It was confirmed that both filings had been received by OCF.

The Respondent stated that he was going to be a candidate for the council seat for Ward 8 in the 2012 election. He was reminded and instructed on his obligation to timely file all R&E Reports whenever they are due, and to file a Termination Report for this campaign committee.

Findings of Fact

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

1. Respondent candidate was a candidate in the special election for the seat of Council At Large. Prior to the election he was denied a place on the ballot because he failed to overcome a challenge by his opponents.
2. Respondent committee was required to file a June 10th R&E Report on or before June 10, 2011, and the October 10, 2011 R&E Report in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent's reasonably believed that he did not have to file the R&E Reports because his candidacy was derailed when he was denied a place on the ballot after his opponents' successful challenge .
4. Respondent candidate stated that subsequent to the successful challenge his campaign closed down within a month.. He further stated that in order to file the R&E Reports he would have to locate his former treasurer and determine the whereabouts of the campaign's financial records.
5. Respondent requested and was granted an extension in which to locate his former treasurer and obtain bank statements and file the R&E Reports.

Committee to Elect Jacque Patterson
Page 3

6. Respondent and the treasurer (Timothy Lewis) for the campaign committee appeared for the continuation of the hearing on December 7, 2011. At that hearing, Respondent stated that the R&E Reports had been electronically filed.
7. OCF confirmed receipt of the R&E Reports. The Reports were filed on November 29, 2011.
8. Respondent stated that he has since terminated that campaign committee. He further stated that he is again a candidate for the council seat for Ward 8 in the upcoming 2012 election.

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 June 10, 2011 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 the June 10, 2011 R&E Report, and a maximum of \$2,000.00 for failing to timely file the October 10, 2011 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 forego the imposition of a fine in this matter.

Date

Leonard G. Muhammad
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 waived.

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 Jacque Patterson 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.