

**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

**Andrew Moss for Ward 4
Mary Moss, Treasurer
4010 19th Street, NE
Washington, DC 20018**

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**Date: August 4, 2011
Docket No.: 011 C-028**

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), Andrew Moss for Ward 4, Mary Moss, Treasurer failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for June 10, 2011 on or before June 10, 2011 as required by D.C. Official Code §1-1102.06. OCF sent the campaign committee a reminder letter on or about May 26, 2011.

By Notice of Hearing, Statement of Violations and Order of Appearance dated June 29, 2011 OCF ordered Mary Moss, Treasurer (hereafter Respondent), to appear at a scheduled hearing on July 27, 2011 and show cause why she 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

The Respondent, Treasurer appeared for the scheduled hearing. The Respondent stated that she was the candidate's mother. She also acknowledged and admitted that the candidate's campaign had not complied with the law and filed the June 10th R&E Report.

The Respondent Treasurer further stated that the report was not filed because she is a diabetic and in late May 2011 she had surgery on her eyes. She also was prepared to file an amended 8 Day Pre Election Report and the delinquent June 10th report, and filed both of the reports during the hearing process. The reports were received into the record and marked Amended 8 Day Pre-Election R&E Report (Exhibit #1) and June 10, 2011 R&E Report (Exhibit #2).

The Respondent stated that there were no outstanding reports due, and the committee campaign was current with their filings.

Findings of Fact

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

1. Respondent was the campaign treasurer for the Andrew Moss for Ward 4.
2. Respondent committee was required to file the June 10, 2011 R&E Report on or before June 10, 2011 in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent treasurer filed the June 10, 2011 R&E Report during the hearing that was conducted on July 27, 2011.
4. Respondent's explanation for failing to timely file is credible in that Respondent Treasurer stated that she suffers from a diabetic condition, and that in late May 2011 she underwent eye surgery that left her incapacitated.
5. The Respondent also filed an amended 8 Day Pre-Election R&E Report. That R&E Report was received in the record. But, the Respondent was informed that that report was not at issue.
6. The Respondent Treasurer apologized for not timely filing the June 10th R&E Report. She informed the Hearing Officer that there were no outstanding reports due and that all future filings would be done in a timely manner.
7. Respondent committee 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 a January 1, 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 a January 1, 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 suspend the imposition of the 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 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 Mary Moss, Treasurer 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.