

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>th</sup> STREET, NW SUITE 420  
WASHINGTON, DC 20009  
(202) 671-0550**

**IN THE MATTER OF**

**Caribbean-American PAC  
Denys Vaughn-Cooke, Treasurer  
1501 Hamilton Street, NW  
Washington, DC 20011**

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**Date: May 13, 2011  
Docket No: 011 P-008**

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Denys Vaughn-Cooke Treasurer, Caribbean-American Political Action Committee, failed to timely file, the March 10<sup>th</sup> Report of Receipts and Expenditures (hereinafter R&E) on or before March 10, 2011, as required by D.C. Official Code §1-1106.02.

By Notice of Hearing, Statement of Violations and Order of Appearance dated April 5, 2011 OCF ordered Denys Vaughn-Cooke (hereinafter Respondent), to appear at a scheduled hearing on April 21, 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 March 30, 2011, Respondent treasurer<sup>1</sup> filed the March 10<sup>th</sup> R&E Report for March 10, 2011, and submitted an affidavit explaining the untimely filing on April 6, 2011. In the affidavit, Respondent testified that this is his first year as treasurer where a special election was held. He stated that he believed that he was only required to file the R&E Report twice a year on January 31<sup>st</sup> and July 31<sup>st</sup>. He further stated that he was not aware of the additional requirement to file an R&E Report whenever there is a special election being held (such as this year), unless the PAC files a Notification of Non-Support with OCF.

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<sup>1</sup> On April 21, 2011 the Caribbean –American Political Action Committee also filed a revised Statement of Organization, and the Statement of Acceptance of Position of Treasurer with the OCF. The name of the new treasurer is Roy G. Layne.

**Findings of Fact**

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

1. Respondent Roy G. Layne is the Treasurer for the Caribbean-American Political Action Committee.
2. Respondent Caribbean-American Political Action Committee was required to file March 10<sup>th</sup> R&E Report on or before March 10, 2011 in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent treasurer electronically filed the March 10, 2011 R&E Report on March 30, 2011.
4. Respondent's explanation for failing to timely file is credible in that Respondent stated that he was unaware that during years where special elections are held additional R&E Reports must be filed whenever the committee does not file a Notification of Non-Support with the January 31, 2011 Report.
5. 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 March 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 PAC may be fined a maximum of \$2000.00 for failing to timely file a March 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.

5. Respondent, Caribbean-American Political Action Committee has amended its organizational statement and submitted the proper documents required to comply with DC Official Code 1-1102.04(c),

**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  
Leonard G. Muhammad

**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

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Cecily E. Collier-Montgomery  
Director

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order on Roy G. Layne, Treasurer, Caribbean-American PAC by regular mail, on \_\_\_\_\_.

\_\_\_\_\_

**NOTICE**

Pursuant to 3 DCMR §3711.5, any fine imposed by the Director shall become effective on the 16<sup>th</sup> 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.