

**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

**DC Visions PAC
Craig Andrew Max, IV, Treasurer
9200 Church Street Suite 400
Manassas, VA 20110-3218**

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**Date: June 24, 2011
Docket No. 011 P003**

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 §1-1102.06 (2001 Edition), Craig Andrew Max, IV Treasurer, DC Visions PAC failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for calendar year January 1, 2011, on or before January 31, 2011, failed to timely file by the filing deadline of Thursday March 10, 2011 the March 10th R&E, and failed to timely file by the filing deadline of Monday April 18, 2011 the 8 Day Pre-Special Election R&E Report as required by D.C. Official Code §1-1102.06.

By Notice of Hearing, Statement of Violations and Order of Appearance sent via regular mail on March 10, 2011, sent via certified mail on March 31, 2011 and on May 9, 2011, OCF ordered Craig Andrew Max, IV (hereinafter Respondent), to appear at scheduled hearings on March 28, 2011, April 14, 2011 and on May 26, 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 25, 2011, the Respondent in response to the hearing notice sent on May 9, 2011 sent OCF a letter stating that the PAC has been inactive since inception, that the PAC never received or solicited contributions, and stated that not filing the reports was inadvertent and unintentional. He also stated that because the PAC was never active he was unaware that they had to comply with the filing requirements. He further requested that OCF dismiss the pending administrative action against the PAC.

This Hearing Officer via email responded to the letter, and informed the Respondent of his obligation to file all outstanding reports before any consideration would be given to his requests included in his May 25th letter.

On May 26, 2011, the Respondent telephoned this Hearing Officer following receipt of the email. The Respondent stated that all the letters with the exception of the letter sent on May 9th were never received. Those letters were addressed to the Respondent and mailed to "1522

10th Street, NW Washington, DC 20001.” The Respondent stated that the political action committee’s headquarters moved to Manassas, Virginia, and OCF was given notice of the address change.

On June 2, 2011, OCF received the outstanding aforementioned R&E Reports that were the bases for the alleged violations, along with a Notification of Non-Support and Statement of Committee Termination from the treasurer.

Findings of Fact

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

1. Respondent was a treasurer for the DC Visions PAC.
2. Respondent committee was required to file a Receipt and Expenditure Report for calendar year January 1, 2011, on or before January 31, 2011, the March 10th R&E, and the 8 Day Pre-Special Election R&E Report on or before April 18, 2011 in accordance with D.C. Official Code § 1-1102.06(a).
3. On June 2, 2011, the Respondent treasurer filed all of the outstanding R&E Reports. In addition the Respondent treasurer filed a Notification of Non-Support and the Statement of Committee Termination on behalf of DC Visions PAC.
4. Respondent’s explanation for failing to timely file is credible in that Respondent with the exception of the May 9th letter never received the prior notices sent to him. OCF had an address in the District of Columbia listed for the PAC while the PAC had moved to Manassas, Virginia.
5. Respondent believed that the PAC did not have to file R&E Reports because the organization was never actively involved in raising money and making contributions.
6. Respondent took immediate action to correct his noncompliance by filing all outstanding R&E Reports that were due and subsequently terminated the political action committee.
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 and DCMR § 3711.2(f) 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 aggregate 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

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 DC Visions PAC 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.