

**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

**The Madyun Group
Pfizer
1221 Massachusetts Avenue, NW #605
Washington, DC 20005**

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**Date: June 27, 2011
Docket No: 011L -001**

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 §1-1105.5 (2001 Edition), The Madyun Group failed to timely file, a Lobbyist Activity Report on or before the filing deadline of January 10, 2011.

By Notice of Hearing, Statement of Violations and Order of Appearance (hereinafter Notice of Hearing) sent via first class mail on March 28, 2011 OCF ordered Atiba Madyun (hereinafter Respondent), to appear at a scheduled hearing on April 11, 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 §1-1105.05 and filed accordingly. On May 9, 2011 a second Notice of Hearing was sent to the respondent via certified prepaid postage mail for the rescheduled hearing on May 26, 2011.

Summary of Evidence

1. On April 2, 2011, this Hearing Officer received information from the Public Information and Records Management Division that the respondent telephoned OCF and stated that he was unable to attend the meeting scheduled for April 11, 2011. The respondent also left a telephone number for OCF to call and discuss the status of the case.
2. On April 13, 2011, after several attempts this Hearing Officer contacted the respondent and held a telephone conversation with him.

3. In that telephone conversation the respondent stated that he thought the Activity Report was filed in January 2011. He also stated that he was willing to send the copy that he filed electronically to this Hearing Officer.
4. This Hearing Officer agreed to hold any decision in abeyance, and gave the respondent an opportunity to submit another copy of the activity report.
5. On April 18, 2011, this Hearing Officer left the respondent a voicemail message reminding him to send the activity report, and requested he contact OCF.
6. On May 9, 2011, this Hearing Officer mailed the respondent a second Notice of Hearing via certified mail rescheduling the hearing on May 26, 2011.
7. On May 18, 2011, the OCF received the certified mail receipt that accompanied the certified letter mailed on May 9, 2011.
8. The receipt indicated that the certified letter was delivered on May 16, 2011. The recipient of the letter signed the name "Keith Bell."
9. On May 26, 2011, the respondent failed to appear for the rescheduled hearing and has not contacted the OCF and provided an explanation for failing to appear.

Findings of Fact

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

1. Respondent, Atiba Madyun was the lobbyist for the Madyun Group.
2. Respondent was required to file an Activity Report on or before January 10, 2011 in accordance with D.C. Official Code § 1-1105.5.
3. Respondent was sent a Notice of Hearing twice. The second Notice of Hearing was sent to the respondent via certified mail and delivered on May 16, 2011.

4. The Respondent was given an opportunity to confirm his filing of the Activity Report, and agreed to submit to this Hearing Officer evidence supporting the filing of the report.
5. The Respondent failed to follow through and provide the OCF information required to confirm that he filed the activity report due on January 10, 2011.
6. The OCF received the certified mail delivery receipt that established the Respondent received the second Notice of Hearing on May 16, 2011(Exhibit #1).
7. The Respondent failed to attend the hearing scheduled for May 26, 2011, and failed to contact OCF and provide an explanation for not attending.
8. The Respondent's representation that he filed the activity report in January 2011 is unverified.
9. The Respondent has not complied with the DC Code 1-1105.5, and remains out of compliance with the law.

Conclusions of Law

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

1. Respondent PCC violated DC Official Code §1-1105.5.
2. The penalty established at DC Official Code §1-1103.05 (b)(3), 3 DCMR §§3711.2(gg), 3711.3 and 3711.4 for failure to timely file a January 10, 2011 Activity Report required by DC Official Code 1-1105.5 is a fine of \$10.00 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 lobbyist may be fined a maximum of \$1,070.00 for failing to timely file the Activity Report due on January 10, 2011.

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 impose 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 is \$10 per day, the aggregate imposed shall not exceed \$1,070 for each violation.

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 The Madyun Group, 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.