

**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 Bill Quirk
Bill Quirk, Candidate
614 Emerson Street, NW
Washington, DC 20011**

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**Date: February 17, 2012
Docket No: 012 C-005**

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 §1-1106.02 (2001 Edition), Bill Quirk, Candidate, Committee to Elect Bill Quirk failed to timely file, a Receipt and Expenditure Report (hereafter R&E) due on December 10th as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of December 12, 2011.

By Notice of Hearing, Statement of Violations and Order of Appearance (Notice of Hearing) dated January 10, 2012, and sent via certified mail on January 27, 2012 OCF ordered Bill Quirk (hereafter Respondent), to appear at a scheduled hearing on January 10, 2012 and on February 7, 2012 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 January 10, 2012, OCF sent Respondent the Notice of Hearing to appear for the hearing scheduled for January 24, 2012. Respondent failed to appear for the hearing.

On January 27, 2012 OCF sent Respondent a second Notice of Hearing via certified mail. The certified mail receipt was returned to OCF on or about January 31, 2012. The receipt had an illegible signature in the signature box without a date of delivery. Both the letters sent via regular mail and the one sent via certified mail were never returned to the OCF.

Respondent failed to appear for the hearing scheduled for Tuesday February 7, 2012, and failed to contact the OCF for a postponement of the hearing.

Findings of Fact

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

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1. Respondent is the candidate, Bill Quirk in the campaign Committee to Elect Bill Quirk.
2. Respondent committee was required to file the December 10th R&E Report on or before December 12, 2012 in accordance with D.C. Official Code § 1-1102.06(a).
3. The OCF sent Respondent Notice of Hearings twice, and ordered he appear for hearings scheduled on January 10, 2012 and on February 7, 2012.
4. The Notice of Hearings was sent via regular and certified mail, respectively.
5. The Notice of Hearing sent regular mail was never returned to the OCF.
6. It is presumed that the Notice of Hearing sent via certified mail was delivered to the Respondent. The certified mail receipt indicates that someone signed for the letter without dating it. The letter has not been returned to OCF.
7. Respondent failed to appear for the hearing scheduled on January 10, 2012 and on February 7, 2012. He also failed to contact the OCF and request a postponement of the scheduled hearings.
8. Respondent has a history with OCF for not filing R&E Reports in a timely manner.

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 December 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 December 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 impose a fine of \$2,000.00 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 \$2,000.00.

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 Bill Quirk 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.