

**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**

**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 10<sup>th</sup> 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 10<sup>th</sup> 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.

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Date

\_\_\_\_\_

Hearing Officer

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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Date

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William O. SanFord  
General Counsel

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter is \$2,000.00.

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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 Bill Quirk 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.