

**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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**DOCKET NO.: 012 C-020
Date: June 27, 2012**

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 DC Campaign Finance Emergency Act of 2012 (The Act), Bill Quirk failed to timely file, the Receipt and Expenditure Report (hereafter R&E) which was due on January 31, 2012 as required by The Act Subtitle B Section 208 (a).

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 5, 2012 and a second notice sent via certified mail on April 26, 2012, OCF ordered Bill Quirk (hereinafter Respondent), to appear at a scheduled hearing on Thursday March 15, 2012 and on Tuesday May 8, 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

Respondent failed to appear for both of the scheduled hearings.

On January 5, 2012 Respondent contacted the OCF Office of General Counsel in response to a request from the Public Records and Information Management (PRIM) division. Respondent conversed with Attorney-Advisor, Leonard Muhammad. Respondent was informed that OCF sent him several notices for alleged violations through out the 2011 calendar year. During their conversation in response to Mr. Muhammad's query regarding his home address Respondent stated that he lived at the above captioned address, Respondent also provided the telephone number to call for purposes of contacting him.

On March 21, 2012, OCF Office of General Counsel telephoned Respondent. The voice mail indicated that the number dialed was that for the Respondent, and the caller was asked to leave a message. A voice mail message was left requesting that Respondent contact OCF

IN THE MATTER OF: Committee to Elect Bill Quirk
Page 2

Office of General Counsel regarding his failure to appear at the hearing scheduled for March 15, 2012.

Respondent has not returned the telephone call. The letters sent via regular and certified mail have not been returned by the US Postal Service.

Findings of Fact

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

1. Respondent is the candidate seeking an elected position under the campaign "Committee to Elect Bill Quirk."
2. Respondent committee was required to file the January 31, 2012 Report of Receipts and Expenditures on or before the extended deadline of February 17, 2012 in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent candidate contacted the OCF, Office of General Counsel and has been personally made aware that the R&E Report is due and outstanding.
4. It is the presumption that the notices sent via the mail and the messages left on Respondent's voicemail were delivered.
5. Respondent candidate has not filed the January 31, 2012 R&E Report. He has repeatedly failed to file the required R&E Reports in a timely manner.
6. Respondent committee is currently not 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 31, 2012 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 a January 31, 2012 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 Two Thousand Dollar (\$2,000) 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 imposed fine in this matter is hereby Two Thousand Dollars (\$2,000).

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.