

**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**

<b>IN THE MATTER OF</b>	:	
	:	
<b>Bennett for Ward 7</b>	:	<b>Docket No: 012 C-039</b>
<b>David Okhumale, Treasurer</b>	:	<b>Docket No: 012 C-063</b>
<b>4401 Sheriff Road, NE</b>	:	<b>Date: July 27, 2012</b>
<b>Washington, DC 20019</b>	:	

**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), David Okhumale, treasurer, for the campaign committee Bennett for Ward 7 failed to timely file, on or before March 22, 2012, the 8 Day Pre-Primary Report of Receipts and Expenditures (R&E Report) as required by D.C. Official Code §1-1106.02,

By Notice of Hearing, Statement of Violations and Order of Appearance (hereinafter Notice) dated April 6, 2012 and a second Notice sent on April 26, 2012 with a third Notice sent via electronic mail on June 6, 2012, OCF ordered David Okhumale (hereafter Respondent), to appear at scheduled hearings on April 17, 2012, May 8, 2012 and for a third hearing scheduled for June 19, 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 the D.C. Campaign Finance Emergency Act of 2012 and codified in Official Code §1-1161.01 et seq., and fined accordingly.

**Summary of Evidence**

On June 19, 2012, the Respondent candidate, William Bennett appeared for the hearing<sup>1</sup>.

Respondent candidate, William Bennett stated in his defense that his campaign committee is no longer viable because he failed to win the election. He stated that he was unaware that the 8 Day Pre-Primary R&E Report was not filed. He stated that after the primary election he lost

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<sup>1</sup> The Respondent candidate, William Bennett was also informed that the Office of General Counsel received the referral for the campaign committee's failure to file the June 10<sup>th</sup> R&E Report (Docket No: 012 C-063).

contact with the treasurer, David Okhumale. Mr. Bennett stated that he found out about the delinquent R&E Reports after he happen to be at the former campaign office and opened a letter from OCF addressed to his campaign. Mr. Bennett agreed to locate Mr. Okhumale, locate the financial records, and he requested additional time to prepare and submit the outstanding 8 Day Pre-Primary R&E Report.

Mr. Bennett was provided an extension of time to file the outstanding 8 Day Pre-Primary R&E Report. He requested and was granted until the close of business July 3, 2012 to accomplish the task.

On July 3, 2012, the OCF, Office of General Counsel received an email from David Okhumale. Mr. Okhumale stated that he failed to receive the Notices sent via the US mail. He stated that in March he moved, thus the Notices sent were not delivered to him. Mr. Okhumale further stated that he completed the outstanding 8 Day Pre-Primary and the June 10<sup>th</sup> R&E Reports, and filed them electronically.

The OCF, Public Records and Information Management (PRIM) confirmed the filings, and marked the filing date as July 4, 2012.

### **Findings of Fact**

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

1. Respondent William Bennett was the candidate for election to the city council from the campaign committee Bennett for Ward 7.
2. Respondent committee was required to file an 8 Day Pre-Primary R&E Report] on or before March 22, 2012 in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent treasurer, David Okhumale filed the 8 Day Pre-Primary R&E Report and the June 10<sup>th</sup> R&E Report on July 4, 2012.
4. Respondent candidate, William Bennett's explanation for failing to timely file the 8 Day Pre-Primary R&E Report is credible in that Respondent became curious about the contents of the letter received from OCF, and opened it. He stated that he was unaware that the treasurer did not file the outstanding reports. He further stated that his campaign committee was not viable after he lost the election.
5. Respondent took immediate action to respond to the Notice and appeared for the hearing.

6. Respondent requested an extension of time until July 3, 2012 to prepare and file the 8 Day Pre-Primary election R&E Report. The R&E Reports were filed on July 4, 2012.
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 the 8 Day Pre-Primary Election 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 \$2000.00for each violation for failing to timely file the 8 Day Pre-Primary Election R&E Report and the June 10<sup>th</sup> 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 reduced fine in the amount of One Hundred Dollars (\$100) 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 imposed in this matter is One Hundred Dollars (\$100).

\_\_\_\_\_  
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 William Bennett and David Okhumale by regular mail and electronic mail [david@okhumale.com](mailto:david@okhumale.com) , on

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**NOTICE**

Any party adversely affected by nay order of the Director may obtain review of the order by filing, with the Board of Elections and Ethics, a request for a hearing *de novo*. 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.