

**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

**Chavous for Ward 7 2012
E. McDonald James, Treasurer
3720 Suitland Road, SE
Washington, DC 20020**

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**Docket No: 012 C-054
Date: August 7, 2012**

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), E. McDonald James, Treasurer for the campaign committee Chavous for Ward 7 2012 failed to timely file, the Receipt and Expenditure Report (hereafter R&E) for June 10, 2012 on or before June 11, 2012 as required by D.C. Official Code §1-1106.02.

By Notice of Hearing, Statement of Violations and Order of Appearance dated June 25, 2012 with a second notice sent on July 12, 2012 via certified mail, along with notice sent to Respondent via electronic mail to donnie-james@att.net OCF ordered E. McDonald James (hereafter Respondent), to appear at a scheduled hearing on July 11, 2012 and on July 24, 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 §1-1161.01 et seq., and fined accordingly.

Summary of Evidence

Respondent failed to appear at the scheduled hearings, and he has not contacted OCF. OCF has not received any indication that the notices were not delivered. It is presumed that all notices sent the Respondent via regular, and electronic mail were delivered. The notice sent via certified mail has been returned by the postal service. A search of the data base reveals that the June 10, 2012 R&E Report has not been filed and the campaign committee is not in compliance with the law.

The Respondent and campaign committee are found in violation of failure to file the June 10th R&E Report by default.

Findings of Fact

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

1. Respondent is the treasurer for the campaign committee Chavous for Ward 7 2012.
2. Respondent committee was required to file the June 10, 2012 R&E Report on or before June 11, 2012 in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent treasurer failed to appear for the scheduled hearings.
4. Respondent committee has been found in violation by default. All notices sent to Respondent have not been returned and/or there has not been indication of non-delivery.

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 June 10, 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 \$1,800 (June 11, 2012 thru July 31, 2012) for failing to timely file the June 10, 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 fine of One Thousand Eight Hundred Dollars (\$1,800.00) 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 imposed fine in this matter is One Thousand Eight Hundred Dollars (\$1,800).

Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on E. McDonald James by regular mail and via electronic mail to donnie-james@att.net , on _____.

NOTICE

Any party adversely affected by any 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 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.