

**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 Elect Bill Quirk
Tu Tran, Treasurer
902 Emerson Street, NW
Washington, DC 20011**

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**Docket No: 012 C-090
Date: November 2, 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 The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform and Amendment Act (The Act), codified in DC Official Code 1-1163.09(b), Tu Tran, treasurer for the campaign Committee to Elect Bill Quirk failed to file on or before July 31, 2012 the Report of Receipts and Expenditures due on July 31, 2012.

By Notice of Hearing, Statement of Violations and Order of Appearance sent via first class mail and via electronic mail dated September 4, 2012 and a second notice sent via certified mail and electronic mail on September 21, 2012, OCF ordered Tu Tran (hereafter Respondent), to appear at scheduled hearings on Thursday September 20, 2012 and on Friday October 5, 2012 respectively and show cause why s/he should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly.

Summary of Evidence

Respondent failed to appear for the scheduled hearings, and failed to contact the OCF. The hearing notices sent to Respondent were mailed via first class postage prepaid mail, certified mail, and sent electronically to the email address on file at OCF. That email address is kmctran222@yahoo.com.

With the exception of the letter sent via certified mail none of the prior letters were returned to OCF marked "Undeliverable." OCF requested computer confirmation for the Notices sent to Respondent's email address. The Microsoft Exchange computer program provided confirmation of delivery. The program issued a printed statement that stated "Delivery to these recipients or distribution lists is complete."

Findings of Fact

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

1. Respondent is the treasurer of the Committee to Bill Quirk campaign committee.
2. Respondent committee was required to file the R&E Report on or before July 31, 2012 in accordance with D.C. Official Code § 1-1163.09.
3. Respondent treasurer failed to file the July 31, 2012 R&E Report, and the committee remains out of compliance with the law.
4. It is the presumption that the Respondent received sufficient notice of the scheduled hearings. With the exception of the notice sent via certified mail none of them were returned marked "undeliverable."
5. Based on the foregoing, it is concluded that the Respondent received sufficient notice of the hearings, failed to participate in the hearing process, and comply with Title III of the Campaign Finance Act of 2011.
6. This campaign committee has been referred to OGC no less than five times since February 2011 because of their failure to timely file R&E Reports with OCF. The Respondent treasurer and the candidate have never responded to notices sent them from the OGC.

Conclusions of Law

Based on the record provided by the OCF, I therefore conclude:

1. Respondent PCC violated D.C. Official Code § 1-1163.09.
2. The penalty established at DC Official Code §1-1163.09, §1-1163.35, 3 DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file a January 1, 2011 R&E Report required by is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with DC Official Code 1-1163.35, the respondent PCC may be fined a maximum of \$2000.00 for failing to timely file the July 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 fine of Two Thousand Dollars (\$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 hereby Two Thousand Dollars (\$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 Tarek Stevens by regular, first class, prepaid mail, and electronically at kmctran222@yahoo.com on _____.

NOTICE

Any party adversely affected by and 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.