

**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 Re-Elect Trayon White SBOE  
Olivia Henderson, Treasurer  
4612 6<sup>th</sup> Street, SE  
Washington, DC 20032**

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**Docket No: 012 C-122  
Date: March 15, 2013**

**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) Olivia Henderson, treasurer for the campaign Committee to Re-Elect Trayon White SBOE failed to timely file a Receipts and Expenditure Report (hereafter R&E Report) that was due on or before December 10, 2012.

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 3, 2013 OCF ordered Olivia Henderson (hereafter Respondent), to appear at a scheduled hearing on Tuesday January 15, 2013 and show cause why she should not be found in violation of Title III of the Campaign Finance Act of 2011, as amended and fined accordingly.

**Summary of Evidence**

Respondent appeared for the hearing scheduled on January 15, 2013. Respondent was not accompanied by legal counsel, and chose to represent herself in the proceedings.

Respondent admitted that the committee failed to file the December 10<sup>th</sup> R&E Report. Respondent stated that the reason for the failure is due to her inability to meet with the candidate, Trayon White and resolve payment issues with various campaign vendors. Respondent stated that she has not been able to contact the candidate since the election was held.

Respondent stated that she filed the December 10<sup>th</sup> R&E Report on January 11, 2013. Respondent stated that she will resign as the treasurer for the campaign. Respondent was informed that in order for her name to be removed as treasurer of record the candidate or someone would have to come into OCF and file the necessary document formally replacing her.

The candidate Trayon White has a history of failure to comply with the required filing deadlines, and in the past OCF has made concessions to withhold fines in an effort to assist the candidate because of his inexperience as a required filer with OCF. For instance in 2012, the candidate

was allowed to file the overdue R&E Reports that should have been filed during the year 2011 without penalty. Prior to the instant matter, Respondent's most recent appearance before this agency was in September 2012 for a similar alleged violation. The campaign committee was fined for the violation with recommendation that the fine be suspended because the Respondent assured the agency that she would file all future reports in a timely manner.

**Findings of Fact**

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

1. Respondent is the treasurer of record for the campaign Committee to Re-Elect Trayon White SBOE.
2. Respondent was required to file the December 10<sup>th</sup> R&E Report on or before December 10, 2012 in accordance with D.C. Official Code § 1-1163.09.
3. Respondent filed the December 10<sup>th</sup> R&E Report on January 11, 2013. The report was twenty three (23) days past due on the date it was filed with OCF.
4. The candidate Trayon White is not a first time contender for elective office in the District of Columbia. Mr. White at this point is an experienced seasoned participant in the District of Columbia electoral process. He was successfully re-elected to be a member of the DCPS State Board of Education in the general election held on November 6, 2012.
5. The inability to contact the candidate is not an acceptable excuse. The R&E Report should have been filed, and if necessary the respondent could file an amended R&E Report. Moreover, Respondent also failed to request an extension of time to file the report. Respondent's explanation for failing to timely file the December 10<sup>th</sup> R&E Report is unpersuasive.
6. Since accepting the post of campaign treasurer Respondent treasurer has maintained contact with the OCF in an attempt to establish a personal rapport and credibility. Respondent treasurer filed the R&E Report subsequent to the instant hearing and has since filed a Statement of Withdrawal as Treasurer.

**Conclusions of Law**

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

1. Respondent has violated DC Official Code §1-1163.09(b).
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 the December 10<sup>th</sup> R&E Report 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 may be fined a maximum of \$1,150.00 for failing to timely file the December 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**

OCF in an effort to assist Respondent committee and its candidate in the past year has done all that it reasonably could to forebear imposing fines and penalties. This includes allowing the Respondent committee to file late R&E Reports thus giving the candidate an opportunity to have a “clean slate”. But, it appears that Respondent committee does not appreciate the need to comply with the election laws, and has continued their failure to comply and timely file the R&E Reports when due. In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of One Thousand One Hundred and Fifty Dollars (\$1,050.00) 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 imposed in this matter is hereby One Thousand One Hundred Fifty Dollars (\$1,150.00).

\_\_\_\_\_  
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 Olivia Henderson by regular mail, 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 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.