

**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

**Ward 5 Community Solutions Fund
Ayawna Chase, Treasurer
1929 Varnum Street, NE
Washington, DC 20018**

:
:
:
:
:
:

**Docket No: 012 CSP -001
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) .Ayawna Chase, Treasurer, Ward 5 Community Solution Fund failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for on or before April 1, 2012 and July 1, 2012.

By Notice of Hearing, Statement of Violations and Order of Appearance dated April 26, 2012 OCF ordered Ayawna Chase (hereafter Respondent), to appear at a scheduled hearing on May 8, 2012 @ 11:00 am and show cause why she should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly for failing to file the R&E Report that was due on April 1, 2012.

By Notice of Hearing, Statement of Violations and Order of Appearance dated July 27, 2012 and a second notice was issued on August 17, 2012. OCF ordered Ayawna Chase (hereafter Respondent), to appear at a scheduled hearing on August 27, 2012, and show cause why she should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly for failing to file the R&E Reports that was due on July 1, 2012.

Summary of Evidence

On July 25, 2012, Respondent submitted a letter in which she requested that her name be removed as treasurer from the Ward 5 Community Solutions Fund. Respondent also stated that she did not have the financial records for the community service program.

Prior to receipt of the aforementioned letter, Respondent contacted OCF via telephone and made the foregoing representations regarding the financial records. She requested that she

IN THE MATTER OF: Ward 5 Community Solutions Fund
Page 2

be excused from coming in for a hearing. Respondent was instructed that she would have to submit a notarized affidavit or come in for the hearing and place testimony into the hearing record.

Respondent never appeared for the scheduled hearings, nor did she submit a notarized statement as instructed.

Findings of Fact

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

1. Respondent was the treasurer of record for the Ward 5 Community Solutions Fund.
2. Respondent committee was required to file a R&E Report on or before April 1, 2012 and again on or before July 1, 2012 in accordance with D.C. Official Code § 1-1163.09.
3. Respondent treasurer failed to file both of the required R&E Reports for the Ward 5 Community Solutions Fund.
4. Respondent treasurer failed to attend the scheduled hearings. OCF repeatedly informed the Respondent that it would be in her best interest to attend a hearing and put in the hearing record the status of the Ward 5 Community Solutions Fund financial records.
5. Respondent treasurer's written explanation for failing to timely file does not conform with the requirements of DC Code 1-1163.09. Respondent submitted a un-notarized letter after the scheduled hearing dates explaining the reason(s) for her failure to file the R&E Reports.
6. Respondent treasurer is a seasoned campaign worker, and staff member of elected council members. Respondent is well aware of the rules and regulations governing the reporting requirements for community service programs, and campaign committees.

Conclusions of Law

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

1. Respondent CSP 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 April 1, 2012 R&E Report is a fine of \$50.00 per day for each business day subsequent to the due date.
3. 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 July 1, 2012 R&E Report is a fine of \$50.00 per day for each business day subsequent to the due date.
4. In accordance with DC Official Code 1-1163.35 the respondent CSP may be fined a maximum of \$2000.00 for failing to timely file the April 1, 2011 R&E Report.
5. In accordance with DC Official Code 1-1163.35 the respondent CSP may be fined a maximum of \$2000.00 for failing to timely file the July 1, 2011 R&E Report.
6. 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) for the failure to file the R&E Report due April 1, 2012.

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) for the failure to file the R&E Report due July 1, 2012.

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 Four Thousand Dollars (\$4,000.00). Two Thousand Dollars (\$2,000) for the failure to file the R&E Report due April 1, 2012. Two Thousand Dollars (\$2,000) for the failure to file the R&E Report due July 1, 2012.

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 Ayanna Chase 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 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.