

**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

**Citizens for Empowerment
Brett McMahon, Treasurer
4824 Rugby Avenue
Bethesda, Maryland 20814**

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**DOCKET NO.: 012 P-026
Date: November 2, 2012**

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter 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), Brett McMahon, treasurer, Citizens for Empowerment failed to timely file, the Receipt and Expenditure Report (hereafter R&E) on or before August 10, 2012.

By Notice of Hearing, Statement of Violations and Order of Appearance dated Tuesday August 27, 2012 and a second notice sent via certified mail on Tuesday September 18, 2012 OCF ordered Brett McMahon (hereinafter Respondent), to appear at a scheduled hearings on Monday September 17, 2012 and on Thursday October 4, 2012 and show cause why he should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly.

Summary of Evidence

On or about September 25, 2012 OCF received from Respondent the R&E Report that was due on August 10, 2012. Respondent failed to submit an affidavit explaining the untimely filing.

Findings of Fact

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

1. Respondent is the treasurer of the political action committee Citizens for Empowerment.
2. Respondent committee was required to file the August 10th R&E Report on or before August 10, 2012, in accordance with D.C. Official Code § 1-1163.09.

3. OCF received the R&E Report filed by the Respondent treasurer on September 25, 2012. This is twenty nine (29) business days past the due date.
4. Respondent failed to provide OCF with a sworn affidavit explaining the reason(s) for the delay in filing the R&E Report in a timely manner.
5. Respondent committee has in the past repeatedly failed to adhere to the required filing dates when filing previous R&E Reports.

Conclusions of Law

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

1. Respondent PAC 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 August 10, 2012 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 PAC may be fined a maximum of \$1,450.00 for failing to timely file the August 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 in this matter of One Thousand Four Hundred Fifty Dollars (\$1,450.00).

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 One Thousand Four Hundred Fifty Dollars (\$1,450.00).

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 Brett McMahon, by regular mail, 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.