

**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**

**BUD'S PAC  
Michele Hagans, Treasurer  
6145 Myrtle Street, NW  
Washington, DC 20012**

:  
:  
:  
:  
:  
:  
:

**DOCKET NO.: 012 P-028  
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), Michele Hagans, treasurer for the BUD'S PAC failed to timely file, the Receipt and Expenditure Report (hereafter R&E) on or before the August 10, 2012 filing date.

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

**Summary of Evidence**

On September 27, 2012, David Julyan sent OCF an email and a copy of the R&E Report that was due on August 10, 2012. According to Mr. Julyan, the R&E Report he sent was a replacement report. He stated that he was certain that the PAC filed the August 10<sup>th</sup> R&E Report in a timely manner. The replacement R&E Report was dated 9/26/12.

On October 3, 2012, David S. Julyan sent the OCF a sworn affidavit. In the affidavit he again stated that the R&E Report due on August 10, 2012 had been timely filed. But, he also stated that he could not confirm delivery. He further stated that the "failure to file was due to my memory being wrong and I didn't send the report or it was lost in transit."

At no time prior to September 27, 2012 did OCF receive or have possession of the R&E Report that was due on August 10, 2012. By his own admission Mr. Julyan is unable to confirm sending the report.

**Findings of Fact**

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

1. Respondent is the treasurer of the BUD'S PAC.
2. Respondent committee was required to file the R&E Report due on August 10, 2012 in accordance with D.C. Official Code § 1-1163.09.
3. Respondent David S. Julyan filed the R&E Report on September 27, 2012.
4. Respondent claims that the original R&E Report was filed in a timely manner. But he is unable to confirm the filing.
5. According to OCF, the R&E Report was received on September 27, 2012. At no time prior to this date was the R&E Report filed. Absent evidence to the contrary, the R&E Report was received thirty two (32) business days past the due date.

**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, 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 \$1,600.00 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 reduced fine of Eight Hundred Dollars (\$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 reduced fine in this matter is hereby Eight Hundred Dollars (\$800.00).

\_\_\_\_\_  
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 Michele Hagans 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 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.