

**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**

**Bruce Majors, Libertarian for Mayor  
C/o Bruce Majors, Treasurer  
1200\_23<sup>rd</sup> Street, NW #711  
Washington, DC 20037**

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**Docket No: 013 C030  
Date: February 28, 2014**

**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 Campaign Finance Reform Act of 2011 (The Act), codified in DC Official Code § 1-1163.09(b), Bruce Majors, treasurer for the campaign committee Bruce Majors, Libertarian for Mayor failed to timely file a Receipts and Expenditure Report (hereafter R&E Report) on or before December 10, 2013.

By Notice of Hearing, Statement of Violations and Order of Appearance dated December 20, 2013 and dated January 14, 2014 respectively OCF ordered Bruce Majors (hereafter Respondent), to appear at a scheduled hearing on January 7, 2014 and a second hearing scheduled for January 28, 2014 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**

Respondent failed to attend the scheduled hearings. Respondent electronically filed the December 10<sup>th</sup> R&E Report on December 24, 2013. On the date the report was filed it was ten (10) business days past due.

On January 7, 2014 at the approximate time the hearing was scheduled to begin Respondent submitted a written statement without it being notarized or affirmed. In his statement Respondent attributed his failure to appear at the hearing to the extremely low temperature and he having to travel by bicycle as a hindrance to him appearing at the hearing. Respondent admitted that the filing was late and he attributed it to not having forms to use, and because the amount of money he contributed to his campaign was very little. In fact, Respondent considered the amount to be reported as being "insignificant." Respondent stated that he would appear if the hearing was re-scheduled to another day when the temperature is higher.

This Hearing Officer responded to Respondent with an email that informed him that the hearing would be re-scheduled and notice would be sent to him. The second Notice of Hearing was sent to Respondent electronically to [Mayors.bruce@gmail.com](mailto:Mayors.bruce@gmail.com), and via certified mail to the address of record. The notice sent electronically is presumed to have been delivered. The computer

program did not give any indication that the notice was “Undeliverable.” The Notice of Hearing sent via certified mail was returned marked “Unclaimed” by the US Postal Service.

**Findings of Fact**

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

1. Respondent is the candidate and treasurer for the campaign committee Bruce Majors, Libertarian for Mayor.
2. Respondent committee was required to file a December 10<sup>th</sup> R&E Report on or before December 10, 2013 in accordance with D.C. Official Code § 1-1163.09.
3. Respondent treasurer filed the December 10<sup>th</sup> R&E Report on December 24, 2013.
4. The initial hearing for the alleged violation was scheduled for January 7, 2014. On that date, Respondent sent the OCF a non-notarized statement in which he states that he was late in reporting \$140.00 that he personally donated to his campaign. Respondent attributes the lateness to him not having the proper forms to report the contribution and that he was unable to determine how to electronically file the R&E Report. Furthermore, Respondent in his statement characterized the amount of funds contributed was insignificant because of the small amount. As a result, he did not seek assistance from the OCF in reporting the amount of money raised and completing the R&E Report in a timely manner.
5. Moreover, Respondent stated that the cold temperature (9 degrees on the date of the initial hearing) impacted his ability to attend the hearing, and he represented that he would be in attendance if the matter was re-scheduled.
6. The hearing was re-scheduled. But Respondent failed to appear for the hearing and he failed to offer an explanation for his absence.
7. Respondent's explanations for failing to timely file the R&E Report are not legally recognized excuses for failure to comply with the election laws in the District of Columbia.

8. DC Official Code §1-1163.09 does not make a distinction or define whether the contributions received by a campaign committee is a “significant amount.” The Code explicitly require that all monies received by the campaign committee from individual contributions, sales receipts, mass collections, etc., shall be reported.
9. On the date Respondent filed the December 10<sup>th</sup> R&E Report it was ten (10) business days past due.

### **Conclusions of Law**

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

1. Respondent PCC 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 a December 10, 2013 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 PCC may be fined a maximum of \$500.00 for failing to timely file a December 10, 2013 R&E Report.
4. Respondent’s explanations for failing to timely file the R&E Report are not legally recognized excuses for failure to comply with the election laws in the District of Columbia.
5. DC Official Code §1-1163.09 does not make a distinction or define whether the contributions received by a campaign committee is a “significant amount.” The Code explicitly states that all monies received by the campaign committee from individual contributions, sales receipts, mass collections, etc., shall be reported.
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 reduced fine of One Hundred Dollars (\$100.00) in this matter.

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Date

\_\_\_\_\_

Hearing Officer

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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Date

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William O. Sanford  
General Counsel

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine imposed in this matter is hereby reduced to One Hundred Dollars (100.00).

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Date

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Cecily E. Collier-Montgomery  
Director

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order on Bruce Majors, Libertarian for Mayor 1200\_23<sup>rd</sup> Street, NW #711 Washington, DC 20008 by regular mail, on

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**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.