

**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

**Timothy Clark, Former Director
“Our Ward 5 CSP”
150 Q Street, NE #1226
Washington, DC 20002**

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**Docket No: 013 CSP-001
Date: January 31, 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 Reports Analysis and Audit Division (RADD) that: Mr. Timothy Clark, Former Director for the “Our Ward 5 CSP” (CSP), without authorization and permission from the treasurer, chairman or their designated agent(s), used the CSP credit card to expend CSP funds for his personal benefit in violation of DC Official Code §1-1163.38(b) (1) (C) and §1-1163.38(d).

By Notice of Hearing, Statement of Violations and Order of Appearance (Notice of Hearing) dated December 17, 2013, with a second notice sent on January 14, 2014, OCF ordered Timothy Clark to appear at a scheduled hearing on January 7, 2014, and at the second hearing on January 28, 2014, and show cause why he should not be found in violation of Title III of the District of Columbia Official Code § 1-1163.08(a)(b), 1-1163.09 (c) (2) (8), and 3 District of Columbia Municipal Regulations (DCMR) Section 3400.2 and fined accordingly.

Summary of Evidence

On or about October 30, 2013 the OCF held an informal hearing in response to a request from RADD. The bases for the hearing request were to address allegations that the CSP failed to comply with the audit requests from RADD.

During the hearing it was revealed that the CSP could not completely comply with the audit request because the CSP did not have credit card records for several expenditures that had been determined to be unauthorized by Timothy Clark the former director of the CSP. It was established that Timothy Clark spent approximately Five Hundred Twenty Two Dollars and Twenty Three Cents (\$522.23). The unauthorized charges were for personal restaurant dining, the payment of bar tabs (adult entertainment), and the payment of a water and sewer utility bill. It was further established that Timothy Clark reimbursed the CSP approximately Three Hundred Dollars. Timothy Clark was subsequently fired from the position of Director, “Our Ward 5 CSP”, and that the matter was referred to the Office of Attorney General (OAG) for the District of Columbia for prosecution. The OAG declined to prosecute the matter.

Prior to scheduling the initial hearing, OCF obtained Timothy Clark's home address and his email address from the CSP. The initial Notice of Hearing was mailed to Timothy Clark via first class postage prepaid mail the United States Postal Service. The initial notice was also sent to Timothy Clark via electronic mail to timclarkdc@gmail.com. The computer software program indicated that the "delivery to these recipients ... is complete."

The second Notice of Hearing was sent to Timothy Clark via certified mail and electronic mail to timclarkdc@gmail.com. The computer software program indicated that the "delivery to these recipients ... is complete." The certified mail receipt was signed on January 16, 2014, and returned to OCF on January 17, 2014.

Timothy Clark failed to appear for either of the scheduled hearings.

Findings of Fact

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

1. Timothy Clark was the former Director of the "Our Ward 5 CSP".
2. The "Our Ward 5 CSP" determined that Timothy Clark without authority and/or permission used the CSP credit card for his personal benefit.
3. Timothy Clark using the CSP credit card spent Five Hundred Twenty Two Dollars and Twenty Three Cents.
4. Timothy Clark reimbursed the CSP Three Hundred Dollars, and owes the CSP Two Hundred Twenty Two Dollars and Twenty Three Cents (\$222.23).
5. It is presumed that Timothy Clark received a copy of the Notice of Hearing. Notices sent via electronic mail indicate they were received at the email address. The notice sent via certified mail was presumed delivered to Timothy Clark's home address. The OCF received a signed certified mail receipt following delivery to Timothy Clark's home address.
6. Timothy Clark is by Default Judgment in violation of DC Code 1-1163.08(a)(b), 1-1163.09 (c) (2) (8), and 3 District of Columbia Municipal Regulations (DCMR) Section 3400.2 for using the CSP credit card for his personal benefit.

Conclusions of Law

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

1. Timothy Clark is by Default Judgment in violation of DC Code 1-1163.08(a)(b), 1-1163.09 (c) (2) (8), and 3 District of Columbia Municipal Regulations (DCMR) Section 3400.2 for using the CSP credit card for his personal benefit and use.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Timothy Clark be Ordered to reimburse the "Our Ward 5 CSP" the Two Hundred Twenty Two Dollars and Twenty Three Cents (\$222.23) along with any charges for interest and fees for the unauthorized use of the CSP credit card.

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 Timothy Clark reimburse the "Our Ward 5 CSP" the Two Hundred Twenty Two Dollars and Twenty Three Cents (\$222.23) along with any charges for interest and fees for the unauthorized use of the CSP credit card.

Date

Cecily E. Collier-Montgomery
Director

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SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Timothy Clark 150 Q Street, NW #1226 Washington, DC 20002 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.