

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

DC Firefighters Association PAC
C/o Robert Alvarado, Treasurer
2120 Bladensburg Road, NE
Washington, DC 20018

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DOCKET NO.:2 014 P-042
March 31, 2015

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 Campaign Finance Act of 2011 (The Act), codified in DC Official Code 1-1163.01, Robert Alvarado, treasurer, for the DC Firefighters Association political action committee failed to timely file, a Receipt and Expenditure Report (hereafter R&E) that was due on December 10, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance sent via electronic mail to e6bombero@gmail.com and regular mail dated January 7, 2015 and a second notice sent via electronic mail and certified mail dated February 4, 2015 OCF ordered Robert Alvarado (hereinafter Respondent), to appear at scheduled hearings on January 22, 2015 and February 17, 2015 respectively], 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 appear at the scheduled hearings.

On March 12, 2015 Respondent filed an R&E Report for December 10, 2014 without filing 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 record for the DC Firefighters Association, political action committee.

2. Respondent committee was required to file the December 10th R&E Report on or before December 10, 2014, in accordance with D.C. Official Code § 1-1163.09
3. Respondent treasurer filed the December 10th R&E Report on March 12, 2015.
4. Respondent provided no explanation for failing to timely file the report. The R&E Report was filed without a written notarized affidavit stating the reason(s) for failing to comply with the statute.
5. The R&E Report was more than 65 business days past due on the date it was filed with the OCF.
6. Respondent is found in violation by default judgment.

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 the December 10th 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 \$2000.00 for failing to timely file the December 10th 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

Prior to this matter the Respondent to best of the hearing officers knowledge had no prior encounter with the Respondent. In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of One Thousand Dollars (\$1,000.00) in this matter.

March 31, 2015
Date

Constance Mukonema
Hearing Officer

Concurrence

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

March 31, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is One Thousand Dollars (\$1,000.00)

March 31, 2015
Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Robert Alvarado, treasurer DC Firefighters Association, PAC 2120 Bladensburg Road, NE Washington, DC 20018 by regular mail and via electronic mail to: e6bombero@gmail.com on April 1, 2015.

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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.