

BEFORE THE DIRECTOR  
OF THE  
OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14TH STREET, N.W. SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	}	DATE: July 24, 2006
	}	
Citizens to Elect Ron Magnus	}	DOCKET NO: 06C- 013
Joseph Phillips, Treasurer	}	
4104 10 <sup>th</sup> Street, NE	}	HEARING OFFICER: William O. SanFord
Washington, DC 20017	}	

**ORDER**

**Statement of the Case**

This matter comes before the Office of Campaign Finance (OCF) upon an inquiry conducted by the Office of Campaign Finance which determined that Citizens to Elect Ron Magnus for which Joseph Phillips (hereinafter respondent treasurer) serves as treasurer failed to timely file on or before June 12, 2006 a June 10, 2006 Report of Receipts and Expenditures (June 10, 2006 Report), pursuant to D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notices of Hearings, Statements of Violations and Orders of Appearance dated June 21, 2006, and July 5, 2006, OCF ordered Ron Magnus (hereinafter respondent candidate) to appear at a scheduled hearings on June 28, 2006 and July 13, 2006 and show cause why Citizens for Ron Magnus (hereinafter respondent committee) should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq. (Act) and fined accordingly.

On July 19, 2006, respondent treasurer submitted a notarized written statement in response to the hearing notices.

**Summary of Evidence**

OCF has alleged that Citizens for Ron Magnus failed to timely file the statutorily required June 10, 2006 Report by June 12, 2006. Respondent treasurer stated that he and the respondent candidate accessed OCF's electronic filing web-site on June 12, 2006 but they was unable to complete the electronic filing process before midnight on that date due to a recurring error. Respondent treasurer additionally stated that when they finally resolved the filing error, it was after midnight which resulted in a June 13, 2006 submission date being attached to their report. Respondent treasurer noted that the respondent committee has no prior OCF filing delinquencies.

**Findings of Fact**

Having reviewed the allegations and OCF records, I find:

1. Respondent committee was required to file a June 10, 2006 Report with OCF on or before June 12, 2006.
2. Respondent committee did not timely file a June 10, 2006 Report with OCF.
3. Respondent candidate submitted a June 10, 2006 to OCF on June 13, 2006.
4. OCF's records confirm that the respondent committee's June 10, 2006 Report was received via electronic filing on June 13, 2006. .
5. Respondent committee is currently in compliance.

**Conclusion of Law**

Based upon the record and evidence, I therefore conclude:

1. Citizens for Ron Magnus violated D.C. Official Code Section 1-1105.05(a).
2. The penalty established at 3DCMR Sections 3711.2(f) and 3711.4 for failure to timely file a June 10, 2006 Report required by D.C. Official Code Section 1-1102.06(a) is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code Section 1-1103.05(b)(3) and 3DCMR Sections 3711.2(f) and 3711.4, Citizens for Ron Magnus may be fined a maximum of \$50.00 for failing to timely file a June 10, 2006 Report.
4. For good cause shown pursuant to 3DCMR Section 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent treasurer's explanation for failing to timely file the June 10, 2006, provided good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the case file, I hereby recommend that the Director suspend the fine that could be imposed in this matter.

---

**Date**

---

**William O. SanFord  
Hearing Officer and  
Acting General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine of \$50.00 that could be imposed against Citizens for Ron Magnus for failing to timely file a June 10, 2006 Report of Receipts and Expenditures is hereby suspended.

---

**Date**

---

**Cecily E. Collier-Montgomery  
Director**

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

NOTICE

Pursuant to 3 DCMR § 3711.5 (1999), 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, Suite 420, and 2000 14<sup>th</sup> Street, NW, Washington, D.C. 20009.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

---

April Williams