

BEFORE 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
D.C. Political Action Candidate Election)
Ebie Banks, Treasurer) DOCKET NO.: 06P-29
2025 Eye Street, NW#106)
Washington, D.C. 20006)

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division that, the D.C. Political Action Candidate Election PAC (hereinafter respondent PAC) for whom Ebie Banks serves as treasurer, failed to timely file, on or before June 12, 2006 a June 10, 2006 Report of Receipts and Expenditures (hereinafter June 10, 2006 Report) as required by the D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notices of Hearings, Statements of Violations and Orders of Appearance dated June 20, 2006 and July 5, 2006, OCF ordered Ebie Banks (hereinafter respondent treasurer) to appear at scheduled hearings on June 28, 2006 and July 13, 2006 and show cause why the respondent PAC should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by the D.C. Official Code § 1-1101 et seq. and fined accordingly.

Summary of Evidence

OCF alleges that the respondent PAC failed to timely file the statutorily required, June 10, 2006 Report, on or before the due date of June 12, 2006.

On both June 28, 2006 and July 13, 2006 the respondent treasurer failed to appear at the scheduled hearing.

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Findings of Fact

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

1. Respondent PAC was required to file a June 10, 2006 Report on or before June 12, 2006 in accordance with the D.C. Official Code §1-1102.06(a) (2001 Edition).
2. Respondent PAC to date has not filed a June 10, 2006 Report with OCF.
3. Respondent treasurer to date has not provided an explanation for failing to timely file a June 10, 2006 Report, with OCF.

Conclusions of Law

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

1. Respondent PAC violated the D. C. Official Code §1-1102.06(a).
2. The penalty established at D. C. Official Code §1-1103.5(b) (3), 3DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file a Financial Disclosure Statement required by the D.C. Official Code § 1-1106.2 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 §1-1103.5(b) (3), the respondent PAC may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent treasurer has failed to provide a basis for a finding of good cause.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,000.00 against the D.C. Political Action Candidate Election PAC, for failing to timely file a June 10, 2006 Report of Receipts and Expenditures.

Date

William O. SanFord
Hearing Officer

Concurrence

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

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$2,000.00 be imposed against the D.C. Political Action Candidate Election PAC for failing to timely file a June 10, 2006 Report of Receipts and Expenditures, in violation of D.C. Code §1-1102.06(a).

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 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, Suite 420, 2000 14th 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
Clerk