

**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: May 25, 2007
)	
A. Braxton-Jones)	DOCKET NO.: 07A-019
Candidate, ANC 8B01)	
2342 – 24 th Street, SE)	
Washington, DC 20020)	

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 3DCMR §3002.5 (1998, as amended), A. Braxton-Jones, Candidate, ANC 8B01, failed to timely file, an ANC Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (ANC Summary Financial Statement) for the 2006 General Election, on or before December 7, 2006, as required by 3DCMR §3002.5, and also failed to file on or before the OCF sanctioned extended filing deadline of March 13, 2007.

By Notice of Hearing, Statement of Violations and Order of Appearance dated April 6, 2007, OCF ordered A. Braxton-Jones (hereinafter respondent), to appear at a scheduled hearing on April 18, 2007, and show cause why he should not be found in violation of Chapter 3, District of Columbia Municipal Regulations, §3002.5, and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the required ANC Summary Financial Statement for the 2006 General Election, on or before March 13, 2007.

On April 18, 2007, the respondent appeared at the scheduled hearing and testified that he mailed the ANC Summary Financial Statement in January 2007. Respondent stated that he received OCF's notice to file, but ignored it because he mailed the report earlier. Respondent further stated that he received no contributions nor made

IN THE MATTER OF: A. Braxton-Jones

Page 2

expenditures during his campaign. Respondent re-filed the required ANC Summary Financial Statement at the conclusion of the hearing.

Findings of Fact

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

1. Respondent was a candidate for Advisory Neighborhood Commissioner in the 2006 General Election.
2. Respondent was required to file an ANC Summary Financial Statement on or before March 13, 2007.
3. Respondent filed the required ANC Summary Financial Statement on April 18, 2007.
4. Respondent has no history of prior filing delinquencies.
5. Respondent provided a credible explanation for the filing delinquency in that he believed he mailed the original report to OCF in January 2007; and, based on his testimony, it is more likely than not that he did so.
6. Respondent is currently in compliance with the regulations.

Conclusions of Law

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

1. Respondent violated 3DCMR §3002.5.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §3711.2(ee) for failure to timely file an ANC Summary Financial Statement, as required by 3DCMR §3002.5, is a fine of \$30.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$720.00 for failing to timely file an ANC Summary Financial Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

THE MATTER OF: A. Braxton-Jones
Page 3

5. Respondent's explanation for the filing delinquency, in that he believed he mailed the original report to OCF; and, it is more likely than not that he did so, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
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 the fine be hereby suspended in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on A. Braxton-Jones by regular mail on May 25, 2007.

NOTICE

Pursuant to 3DCMR §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, N.W., Washington, D.C. 20009.