

**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
)	
Sandra Biasillo)	DOCKET NO.: 07A-028
Candidate, ANC 2F05)	
1111 M Street, NW, #4)	
Washington, DC 20005)	

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), Sandra Biasillo, Candidate, ANC 2F05, 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 Sandra Biasillo (hereinafter respondent), to appear at a scheduled hearing on April 18, 2007, and show cause why she 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 10, 2007, OCF received an affidavit from the respondent acknowledging her failure to file as an inadvertent mistake. Respondent further filed the required report on same date.

Findings of Fact

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

1. Respondent was a write-in 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 10, 2007.
4. Respondent has no history of prior filing delinquencies.
5. Respondent provided a credible explanation for the filing delinquency because she believed the oversight to be inadvertent; and, it is more likely than not because upon OCF's notification of the delinquency, she filed immediately.
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 \$570.00 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.

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5. Respondent's explanation for failing to timely file, in that she believed the delinquency to be inadvertent; and, upon OCF's notification to file, she did so immediately, coupled with a favorable filing history, constitute 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 in this matter be hereby suspended.

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 Sandra Biasillo 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.