

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

IN THE MATTER OF	)	DATE: May 25, 2007
	)	
Donna Brockington	)	DOCKET NO.: 07A-034
Candidate, ANC 4D04	)	
912 Gallatin Street, NW, #101	)	
Washington, DC 20011	)	

**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), Donna Brockington, Candidate, ANC 4D04, 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 Donna Brockington (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 stating that she would be out of town on the date of the scheduled hearing, and requested a continuance. Respondent stated that she ran in the 2006 General Election as a write-in candidate for Advisory Neighborhood Commissioner. Respondent stated that she contacted the Board of Elections and Ethics for information, but was not given information or instruction

**THE MATTER OF: Donna Brockington**  
**Page 2**

to file with OCF. Respondent further stated that OCF's hearing notice was her first notification of the requirement to file the ANC Summary Financial Statement. On April 10, 2007, the respondent filed a fully executed ANC Summary Financial Statement with OCF.

**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 is a first-time required filer.
5. Respondent provided a credible explanation for the filing delinquency because she believed that OCF's hearing notice was her first notification to file the ANC Summary Financial Statement; and, she did so immediately upon receipt of the notice.
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.

**THE MATTER OF: Donna Brockington**  
**Page 3**

4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, in that she believed OCF's hearing notice was her first notification to file the ANC Summary Financial Statement; and, in that she filed immediately upon notification to do so, coupled with her first-time filer status, 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 Donna Brockington 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 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, 2000 – 14<sup>th</sup> Street, N.W., Washington, D.C. 20009.