

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: August 29, 2007
	}	
Committee to Elect Charles Gaither	}	DOCKET NO: 07C- 036
Randall Evans, Treasurer	}	
1745 Verbena Street, NW	}	HEARING OFFICER: William O. SanFord
Washington, DC 20012	}	

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 the Committee to Elect Charles Gaither, Principal Campaign Committee, for which Randall Evans, serves as treasurer, failed to timely file on or before June 11, 2007, a June 10, 2007 Report of Receipts and Expenditures (June 10, 2007 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 July 17, 2007 and July 26, 2007, OCF ordered Randall Evans (hereinafter respondent treasurer) to appear at scheduled hearings on July 25, 2007 and August 3, 2007, and show cause why the Committee to Elect Charles Gaither, Principal Campaign Committee (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.

Summary of Evidence

On both July 25, 2007 and August 3, 2007, neither the respondent treasurer nor a representative for the respondent committee appeared at the scheduled hearing.

OCF has alleged that the respondent committee failed to timely file the statutorily required June 10, 2007 Report by June 11, 2007. To date, OCF has not received a response to the allegation or the outstanding report from anyone affiliated with the respondent committee.

Findings of Fact

Having reviewed the allegations and OCF records, I find:

1. Respondent committee was required to file a June 10, 2007 Report with OCF on or before June 11, 2007.
2. Respondent committee did not timely file a June 10, 2007 Report with OCF.
3. Neither the respondent treasurer nor a representative for the respondent committee provided a response to the allegations.
4. Respondent committee to date has not filed a June 10, 2007 Report with OCF.

Conclusion of Law

Based upon the record and evidence, I therefore conclude:

1. The respondent committee violated D.C. Official Code § 1-1105.05(a).
2. The penalty established at 3DCMR §§ 3711.2(f) and 3711.4, for failure to timely file a June 10, 2007 Report required by D.C. Official Code § 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 § 1-1103.05(b) (3) and 3DCMR §§ 3711.2(f) and 3711.4, the respondent committee may be fined a maximum of \$2,000.00 for failing to timely file a June 10, 2007 Report.
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 committee's failure to respond to the allegation and continuing failure to file a June 10, 2007 Report provides no basis upon which the fine may be modified.

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 in this matter.

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 is imposed against the respondent committee in this matter.

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 (March 2007), 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

