

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: October 24, 2007
	}	
Committee to Elect Carroll Green Ward 4	}	DOCKET NO: 07C- 056
Robert Smith, Treasurer	}	
6219 2 nd Street, NW	}	HEARING OFFICER: William O. SanFord
Washington, DC 20011	}	

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 Carroll Green Ward 4, Principal Campaign Committee, for which Robert Smith, serves as treasurer, failed to timely file on or before August 10, 2007, an August 10, 2007 Report of Receipts and Expenditures (August 10, 2007 Report), pursuant to D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notice of Hearing, Statement of Violations and Orders of Appearance dated September 4, 2007, OCF ordered Robert Smith (hereinafter respondent treasurer) to appear at a scheduled hearing on September 13, 2007, and show cause why the Committee to Elect Carroll Green Ward 4, 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 September 13, 2007, Carroll Green (respondent) appeared pro se. OCF was represented by Sonya Lake, Financial Reporting and Examining Specialist. OCF Senior Auditor, Dwayne Gilliam, was also in attendance at the hearing.

Ms. Lake alleged that the respondent committee failed to timely file the statutorily required August 10, 2007 Report by August 10, 2007. The respondent stated that he filed an amended June 10, 2007 Report on September 10, 2007, which he believed encompassed the August 10, 2007 Report.

The respondent also stated that after he was advised by Mr. Gilliam that he was required to submit a separate report for the August 10, 2007 reporting period, he prepared a termination report which he would submit at the conclusion of the hearing.

Findings of Fact

Having reviewed the allegations and OCF records, I find:

1. Respondent committee was required to file an August 10, 2007 Report with OCF on or before August 10, 2007.
2. Respondent committee did not timely file an August 10, 2007 Report with OCF.
3. Respondent submitted an August 10, 2007 Report at the conclusion of a scheduled hearing on September 13, 2007.
4. Respondent was a first time candidate for public office in the District of Columbia with no prior filing history with OCF.
5. Respondent committee is currently in compliance with the statute.

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 an August 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 \$1,150.00 for failing to timely file an August 10, 2006 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's explanation and status as a first time candidate warrant favorable consideration.

Recommendation

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

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

