

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: April 4, 2008
	}	
Committee to Elect GRF	}	DOCKET NO: 08C-08
Gary Feenster, Treasurer	}	
2801 31 st Street, SE	}	HEARING OFFICER: William O. SanFord
Washington, DC 20020	}	

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 GRF, for which Gary Feenster serves as treasurer, failed to timely file on or before January 31, 2008, a January 31, 2009 Report of Receipts and Expenditures (January 31, 2008 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 February 28, 2008 and March 25, 2008, OCF ordered Gary Feenster (hereinafter respondent) to appear at scheduled hearings on March 7, 2008 and April 3, 2008 and show cause why the Committee to Elect GRF (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 March 7, 2008 and April 3, 2008 neither the respondent 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 January 31, 2008 Report by January 31, 2008. To date, OCF has not received a response to the allegation 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 January 31, 2008 Report with OCF on or before January 31, 2008.
2. Respondent committee did not timely file a January 31, 2008 Report with OCF.
3. Neither the respondent nor a representative for the respondent committee provided a response to the allegations.
4. Respondent committee to date has not filed a January 31, 2008 Report with OCF.
5. Respondent committee has a history of non-compliance which includes failure to file the three previous Reports of Receipts and Expenditures.

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 January 31, 2008 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 January 31, 2008 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 January 31, 2008 Report provides no basis upon which the fine can 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.

IN THE MATTER OF: Committee to Elect GRF

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 on April 4, 2008.

April Williams

