

**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: June 18, 2009
)	
Doris Brooks)	DOCKET NO.: 09A-011
Candidate, ANC 2C03)	
612 Emmanuel Court, NW, #204)	
Washington, DC 20001)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to 3DCMR §3002.5 (March 2007), Doris Brooks, Candidate, ANC 2C03, 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 2008 General Election, on or before December 29, 2008, as required by 3DCMR §3002.5, and also failed to file on or before the OCF sanctioned extended filing deadline of February 6, 2009.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated March 24, 2009 and April 10, 2009, OCF ordered Doris Brooks (hereinafter respondent), to appear at scheduled hearings on April 1, 2009 and April 22, 2009, and show cause why she should not be found in violation of Title 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 2008 General Election, on or before February 6, 2009.

On April 20, 2009, the Hearing Officer was contacted by the respondent's daughter, Gwen Brooks, who advised that her mother is seriously ill, thus unable to attend a hearing. Notwithstanding, Ms. Brooks stated that she would be willing to assist the respondent in completing the required report, and in preparing a statement to explain the filing delinquency. On April 21, 2009, the respondent submitted a written statement indicating that she has served as an ANC Commissioner for more than 33 years, and that

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she had never failed to timely submit the required report. Respondent further stated that she suffers a long-term illness, and that she was unable to locate OCF's form that was mailed to her. On April 21, 2009, 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 candidate for Advisory Neighborhood Commissioner (ANC) in the 2008 General Election.
2. Respondent was required to file an ANC Summary Financial Statement on or before February 6, 2009.
3. Respondent filed the required ANC Summary Financial Statement on April 21, 2009.
4. Respondent has no history of prior filing delinquencies.
5. Respondent provided a credible explanation for the filing delinquency in that she was seriously ill during the relevant filing period; notwithstanding, she filed promptly upon OCF's instruction to do so.
6. Respondent is currently in compliance with the regulation.

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 \$2,000.00 for failing to timely file an ANC Summary Financial Statement.

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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 was seriously ill during the relevant filing period; notwithstanding, the respondent filed promptly upon OCF's instruction to do so, constitutes 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 Doris Brooks by regular mail on June 18, 2009.

NOTICE

Pursuant to 3DCMR §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, N.W., Washington, D.C. 20009.