

**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: July 7, 2009
)	
Angel S. Alston)	DOCKET NO.: 09A-022
Candidate, ANC 5A03)	
4707 – 6 th Place, NE)	
Washington, DC 20017)	

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), Angel S. Alston, Candidate, ANC 5A03, 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 Angel S. Alston (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. Respondent failed to appear at the scheduled hearings referenced herein, or to submit an affidavit in explanation of the failure to timely file the required ANC Summary Financial Statement.

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 to date has not provided an explanation for failing to timely file an ANC Summary Financial Statement for the 2008 General Election.
4. Respondent is currently not 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.
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 has failed to provide a basis for a finding of good cause.

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Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine in the amount of \$2,000.00 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 a fine of \$2,000.00 be hereby imposed in this matter.

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 Angel S. Alston by certified and regular mail on July 7, 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.