

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550**

IN THE MATTER OF	)	DATE: June 17, 2009
	)	
Alan Blevins	)	DOCKET NO.: 09A-030
Candidate, ANC 3B02	)	
3516 W Place, NW, #104	)	
Washington, DC 20007	)	

**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), Alan Blevins, Candidate, ANC 3B02, 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 Notice of Hearing, Statement of Violations and Order of Appearance dated March 24, 2009, OCF ordered Alan Blevins (hereinafter respondent), to appear at a scheduled hearing on April 3, 2009, and show cause why he 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 March 30, 2009, OCF received a written statement from respondent indicating that he did not recollect whether he submitted the required report by the filing deadline. Respondent explained that he was attending to a family emergency in Texas, and was uncertain concerning his follow-through on the filing. On April 2, 2009, the Hearing Officer spoke with the respondent, who elaborated on the nature of the referenced

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emergency, and admitted that the filing delinquency was inadvertent. On March 30, 2009, respondent filed a fully executed ANC Summary Financial Statement dated January 15, 2009.

**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 March 30, 2009.
4. Respondent has no history of prior filing delinquencies.
5. Respondent provided a credible explanation for the filing delinquency in that a family emergency in Texas prevented timely filing of the required report; notwithstanding, he filed promptly upon OCF's notification 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 \$1,020.00 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.

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5. Respondent's explanation for failing to timely file, in that he believed that a family emergency in Texas prevented his timely filing of the required report; notwithstanding, the respondent filed promptly upon OCF's notification 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 Alan Blevins by regular mail on June 17, 2009.

\_\_\_\_\_  
**NOTICE**

Pursuant to 3DCMR §3711.5 (March 2007), any fine imposed by the Director shall become effective on the 16<sup>th</sup> 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 – 14<sup>th</sup> Street, N.W., Washington, D.C. 20009.