

**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 12, 2009
)	
H. J. Amons, Sr.)	DOCKET NO.: 09A-031
Candidate, ANC 6A06)	
1418 G Street, NE)	
Washington, DC 20002)	

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), H. J. Amons, Sr., Candidate, ANC 6A06, 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 H. J. Amons, Sr. (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 April 3, 2009, the respondent appeared at the scheduled hearing and testified that he believed that he completed the ANC Summary Financial Statement on or around November 4, 2008; however, he inadvertently forgot to mail the form. Respondent stated that he was too ill to participate in his campaign. Respondent presented a fully executed ANC Summary Financial Statement dated November 4, 2008. Respondent filed the required report with OCF on April 3, 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 April 3, 2009.
4. Respondent has no history of prior filing delinquencies.
5. Respondent provided a credible explanation for the filing delinquency in that he believed that he completed the ANC Summary Financial Statement to OCF on or around November 4, 2008, but forgot to mail the form; notwithstanding, he filed the required report upon instruction to do so at the conclusion of the hearing.
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 \$1,140.00 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's explanation for failing to timely file, in that he believed that he had mailed the required report to OCF prior to the filing deadline; notwithstanding, the respondent did so at the conclusion of the hearing, 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 H. J. Amons, Sr. by regular mail on June 12, 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.