

**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 18, 2009
	)	
Sheila M. Carson-Carr	)	DOCKET NO.: 09A-038
Candidate, ANC 7A01	)	
515 – 46 <sup>th</sup> Street, SE, #2	)	
Washington, DC 20019	)	

**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), Sheila M. Carson-Carr, Candidate, ANC 7A01, 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 Sheila M. Carson-Carr (hereinafter respondent), to appear at scheduled hearings on April 3, 2009 and April 24, 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 24, 2009, the respondent appeared at the rescheduled hearing and testified that she did not receive OCF's notices to file, and that she has had problems with mail deliveries. Respondent stated that she neither received contributions nor made expenditures in furtherance of her campaign. Respondent further stated that she has been battling health issues for some time. On April 2, 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 2, 2009.
4. Respondent provided a credible explanation for the filing delinquency in that she believed that she did not receive OCF's notices to file due to mail delivery issues; notwithstanding, she filed promptly upon OCF's notification to do so.
5. 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 \$1,110.00 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 she believed that she did not receive OCF's notices to file due to mail delivery problems; 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 Sheila M. Carson-Carr 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 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.