

**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: September 11, 2009
)	
Joan Wilbon, Treasurer)	DOCKET NO.: 09C-018
Baruti Jahi for Ward 4)	
1435 Floral Street, NW)	
Washington, DC 20012)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division that the Baruti Jahi for Ward 4 Committee (hereinafter respondent PCC), Joan Wilbon, Treasurer, failed to timely file a January 31, 2009 Report of Receipts and Expenditures (hereinafter January 31, 2009 Report) as required by D.C. Official Code §1-1102.06(a)(2001 Edition), on or before January 31, 2009, and also failed to file on or before the OCF sanctioned extended filing deadline of February 20, 2009.

By Notice of Hearing, Statement of Violations and Order of Appearance dated July 16, 2009, OCF ordered Joan Wilbon (hereinafter respondent treasurer), to appear at a scheduled hearing on July 27, 2009 and show cause why the respondent PCC should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

On July 24, 2009, OCF's Director received a request for a continuance of 30 days in this matter due to the candidate's previously scheduled travel, and pressing court matters of the respondent treasurer. The continuance was granted. On July 24, 2009, OCF received a letter from the candidate, who stated that he was advised by an OCF staffer that he had no further filing obligations with OCF after his loss in the September 2008 Primary Election. On August 3, 2009, OCF received an affidavit filed by the respondent treasurer stating that she did not receive notices from OCF prior to the Notice of Hearing, and that mail from OCF was not sent to her correct address. Ms. Wilbon

IN THE MATTER OF: Baruti Jahi for Ward 4
Page 2

further stated that all campaign activities ceased after the October 10, 2008 filing, and that the respondent PCC did not file a Termination Report with OCF. On July 27, 2009, the respondent treasurer filed the required January 31, 2009 Report, and a Termination Report with OCF.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent PCC was required to file a January 31, 2009 Report of Receipts and Expenditures on or before January 31, 2009 in accordance with D.C. Official Code §1-1102.06(a).
2. Respondent PCC failed to timely file a January 31, 2009 Report with OCF.
3. Respondent treasurer filed the required January 31, 2009 Report with OCF on July 27, 2009.
4. Respondent treasurer provided a credible explanation for the filing delinquency in that the respondent treasurer did not receive OCF's notices to file; notwithstanding, respondent treasurer filed upon OCF's instruction to do so.
5. Respondent PCC is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent PCC violated D.C. Official Code §1-1102.06(a).
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), 3DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file a January 31, 2009 Report of Receipts and Expenditures required by D.C. Official Code § 1-1102.06(a) is a fine of \$50.00 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 PCC may be fined a maximum of \$2,000.00 for failing to timely file a January 31, 2009 Report of Receipts and Expenditures.

IN THE MATTER OF: Baruti Jahi for Ward 4
Page 3

4. For good cause shown pursuant to 3DCMR §3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent treasurer's explanation for the filing delinquency, in that she did not receive OCF's notices to file based on an incorrect address; notwithstanding, respondent treasurer filed the required report(s) upon OCF's instruction, 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 fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

William O. SanFord
Acting General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby suspended.

Date

Cecily Collier-Montgomery
Director

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Baruti Jahi for Ward 4, c/o Joan Wilbon, Treasurer, by regular mail, on September 11, 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.