

**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 17, 2009
)	
Yavocka Young, Candidate)	DOCKET NO.: 09C-022
Ward 8 for Yavocka Young)	
1673 W Street, SE)	
Washington, DC 20020)	

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 Ward 8 for Yavocka Young (hereinafter respondent PCC), Gregg J. Justice, III, 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 Notices of Hearing, Statements of Violations and Orders of Appearance dated July 16, 2009 and August 5, 2009, OCF ordered Gregg J. Justice, III (hereinafter respondent treasurer) and Yavocka Young, (hereinafter respondent candidate), to appear at scheduled hearings on July 27, 2009 and August 17, 2009 respectively, 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 27, 2009, Gregg J. Justice, III, respondent treasurer, appeared at the scheduled hearing and testified that he no longer serves as treasurer for the respondent PCC. Mr. Justice further stated his belief that the respondent PCC's accounts were closed, and that the Candidate, Yavocka Young, had satisfied OCF's filing requirements. The Hearing Officer advised that the January 31, 2009 Report had not been filed, and that the respondent treasurer remains responsible for submitting the required Report in the absence of a Statement of Withdrawal of Position of Treasurer on the record. Mr.

IN THE MATTER OF: Ward 8 for Yavocka Young
Page 2

Justice filed a Statement of Withdrawal of Position of Treasurer with OCF at the conclusion of the hearing. On August 13, 2009, OCF received a letter from the respondent Candidate, Yavocka Young, stating the following, inter alia: (1) that she was a novice to the process; (2) that the respondent PCC had not engaged in any activities, financial or otherwise, since November 2008; (3) that respondent PCC bank accounts had been closed; and (4) that the respondent Candidate had no intention of involvement in future political campaigns in the District of Columbia. On August 14, 2009, in response to the referenced letter, the Hearing Officer contacted the respondent Candidate to advise of OCF's receipt of her letter, and that the January 31, 2009 Report remained outstanding. On same date, the respondent Candidate filed the required January 31, 2009 Report electronically. On August 17, 2009, Cynthia Davenport, Chairperson of respondent PCC, appeared at the rescheduled hearing. Ms. Davenport stated that she accepted the position of chairperson without knowledge of the requirements of the position, and because she was told that the position was necessary for the candidate's Principal Campaign Committee. On August 17, 2009, Ms. Davenport filed a Statement of Withdrawal of Position of Chairperson form at the conclusion of the hearing.

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 Candidate filed the required January 31, 2009 Report with OCF on August 14, 2009.
4. Respondent candidate provided a credible explanation for the filing delinquency in that she was a novice to the process, and that she believed her filing obligations ceased when she closed the respondent PCC's bank accounts.
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).

IN THE MATTER OF: Ward 8 for Yavocka Young
Page 3

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 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.
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 Candidate's explanation for the filing delinquency in that she was a novice to the process and that all bank accounts were closed; notwithstanding, the respondent Candidate filed promptly upon OCF's instruction 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 a 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 be 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 Ward 8 for Yavocka Young, c/o Yavocka Young, Candidate, by certified and regular mail, on September 17, 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.