

**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 23, 2009
)	
Patrick Mara, Former Candidate)	DOCKET NO.: 09C-027
Patrick Mara for Council)	
3221 – 11 th Street, NW, Unit 200)	
Washington, DC 20010)	

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 Patrick Mara for Council (hereinafter respondent PCC), Kala Weller, Former 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 Kala Weller (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 27, 2009, Kala Weller (former respondent treasurer) appeared at the scheduled hearing and testified that she referred the matter of the filing delinquency to the candidate. Ms. Weller stated that she was no longer serving as treasurer for the campaign. Ms. Weller further stated that she believed the candidate would file the required report. The Hearing Officer directed Ms. Weller to file a Statement of Withdrawal of Position of Treasurer form with OCF immediately. Ms. Weller filed OCF's withdrawal statement at the conclusion of the hearing. On July 31, 2009, the required January 31, 2009 Report was filed electronically 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 filed the required January 31, 2009 Report with OCF on July 31, 2009.
3. Respondent former treasurer's explanation for the filing delinquency, in that she believed the former candidate would file the required report, was insufficient to mitigate the filing delinquency.
4. 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 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 and/or respondent treasurer have failed to provide a basis for a finding of good cause in this matter.

IN THE MATTER OF: Patrick Mara for Council
Page 3

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,000.00 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 a fine of \$2,000.00 is hereby imposed in this matter.

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 Patrick Mara for Council, c/o Patrick Mara, former Candidate, by certified and regular mail on September 23, 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.