

**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: September 11, 2009
	)	
Mark Long, Treasurer	)	DOCKET NO.: 09C-028
Committee to Elect Mark Long	)	
800 Kenilworth Terrace, NE, Suite 406	)	
Washington, DC 20019	)	

**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 Committee to Elect Mark Long (hereinafter respondent PCC), Mark Long, 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 Mark Long (hereinafter respondent treasurer), to appear at scheduled hearings on July 27, 2009 and August 17, 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 August 17, 2009, Mark Long, respondent treasurer, appeared at the rescheduled hearing and testified that the Committee “zeroed out”, or carried forward a zero balance on its books since November 2008. Respondent treasurer thereby stated his belief that the respondent PCC was closed for accounting and other purposes. Mr. Long further testified that he filed a Termination Report with OCF on March 3, 2009, which incorporated the required January 31, 2009 Report. On March 3, 2009, respondent treasurer filed a Statement of Committee Termination Report with OCF. On August

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17, 2009, respondent treasurer filed a Statement of Committee Termination Report 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 treasurer filed the required January 31, 2009 Report with OCF on March 3, 2009.
4. Respondent treasurer provided a credible explanation for the filing delinquency in that he believed he satisfied all reporting obligations with OCF by filing a Termination Report, which incorporated the January 31, 2009 Report, on March 3, 2009.
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 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 \$350.00 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.

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5. Respondent treasurer's explanation for the filing delinquency, in that he believed he satisfied the respondent PCC's filing obligations by filing a Termination Report on March 3, 2009, which incorporated the January 31, 2009 Report, 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 the Committee to Elect Mark Long, Mark Long, Treasurer, by regular mail, on September 11, 2009.

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**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.