

**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**

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|--|---|--------------------------|
| IN THE MATTER OF |) | DATE: September 21, 2010 |
| |) | |
| Committee to Re-Elect Yvette Alexander |) | DOCKET NO.: 09C-033 |
| Derek Ford, Treasurer |) | |
| 4508 B Street, SE, #8 |) | |
| 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 Re-Elect Yvette Alexander (hereinafter respondent PCC), Derek Ford, Treasurer, failed to timely file a July 31, 2009 Report of Receipts and Expenditures as required by D.C. Official Code §1-1102.06(a)(2001 Edition), on or before July 31, 2009.

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 29, 2010, OCF ordered Derek Ford (hereinafter respondent treasurer), to appear at a scheduled hearing on February 10, 2010 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 February 25, 2010, the respondent treasurer filed an affidavit with OCF stating that the delinquency was due to the PCC's efforts to ensure the completion of the committee termination process. Respondent treasurer further stated the PCC closed accounts and discussed debt reduction terms with outstanding vendors/creditors. On August 19, 2009, the required July 31, 2009 Report of Receipts and Expenditures was filed with OCF.

Findings of Fact

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

1. Respondent PCC registered with OCF on February 6, 2008.
2. Respondent PCC was required to file a July 31, 2009 Report of Receipts and Expenditures on or before July 31, 2009 in accordance with D.C. Official Code §1-1102.06(a).
3. Respondent PCC filed the required report with OCF on August 19, 2009.
4. Respondent PCC has no history of prior filing delinquencies.
5. Respondent treasurer provided a credible explanation for the filing delinquency in that he required additional time to close accounts and negotiate debt reduction with vendors as part of the committee termination process; notwithstanding, the required report was filed as soon as was practicable.
6. 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 July 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 \$600.00 for failing to timely file a July 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 required additional time to close accounts and to negotiate with creditors to prepare for committee termination; notwithstanding, he filed as soon as was practicable, constitutes good cause for suspension of the fine in this matter.

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

_____/s/_____
Jean Scott Diggs
Senior Hearing Officer

Concurrence

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

Date

_____/s/_____
William O. SanFord
Acting General Counsel

ORDER OF THE DIRECTOR

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

Date

_____/s/_____
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 Derek Ford, Treasurer, Committee to Re-Elect Yvette Alexander by regular mail on September 21, 2010.

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.