

**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: January 28, 2010
)	
Yvette Alexander Constituent Service Fund)	DOCKET NO.: 09CSF-006
Derek Ford, Treasurer)	
4508 B Street, SE)	
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 Yvette Alexander Constituent Service Fund (hereinafter respondent CSF), for whom Derek Ford serves as treasurer, failed to timely file, on or before the OCF extended deadline of October 19, 2009, an October 1, 2009 Report of Receipts and Expenditures for a Citizens Service Program (hereinafter October 1, 2009 Report), as required by D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 2, 2009, OCF ordered Derek Ford (hereinafter respondent treasurer), to appear at a scheduled hearing on November 16, 2009 and show cause why the respondent CSF 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 November 16, 2009, Derek Ford appeared pro se. OCF was represented by Laura McQueen-Whitaker, Legal Instruments Examiner and Dwayne Gilliam, Senior Auditor.

Ms. McQueen-Whitaker alleged that the respondent CSF failed to timely file the October 1, 2009 Report of Receipts and Expenditures by the OCF sanctioned extended due date of October 19, 2009.

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Mr. Ford (hereinafter respondent treasurer) stated that his failure to timely file the October 1, 2009 Report was unintentional and due to the fact that he had recently changed his employment and the demands of his new position had afforded him little time to attend other matters. He additionally stated that he inadvertently overlooked the filing date and did not realize that the report was delinquent until he received the Notice of Hearing from OCF. He concluded that he had filed the report in question electronically prior to the hearing and would submit a hard copy immediately afterwards.

Findings of Fact

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

1. Respondent CSF was required to file an October 1, 2009 Report on or before the OCF extended deadline of October 19, 2009, in accordance with D.C. Official Code §1-1102.06(a).
2. Respondent CSF failed to timely file an October 1, 2009 Report with OCF.
3. Respondent treasurer filed an October 1, 2009 Report on November 16, 2009.
4. Respondent CSF is currently in compliance with the statute.

Conclusions of Law

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

1. Respondent CSF 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 October 1, 2009 Report 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 CSF may be fined a maximum of \$900.00 for failing to timely file a October 1, 2009 Report.
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 representations that the demands of his new employment during the period that the report due resulted in his failure to timely file an October 1, 2009 Report, and his compliance after receiving the Notice of Hearing from OCF provided a basis for favorable consideration.

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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

William O. SanFord
Hearing Officer

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 Derek Ford, Treasurer of the Yvette Alexander Constituent Service Fund, by regular mail, on January 28, 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.