

**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 11, 2009
)	
District of Columbia Independents Committee)	DOCKET NO.: 09P-008
Miriam Moore, Treasurer)	
490 Taylor Street, NE, J34)	
Washington, DC 20017)	

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 District of Columbia Independents Committee (hereinafter respondent Committee), Miriam Moore, 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 Miriam Moore (hereinafter respondent treasurer), to appear at scheduled hearings on July 27, 2009 and August 17, 2009 and show cause why the respondent PAC 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

OCF alleges that the respondent Committee failed to timely file the statutorily required January 31, 2009 Report of Receipts and Expenditures on or before January 31, 2009, and also failed to file on or before the OCF sanctioned extended filing deadline of February 20, 2009. Respondent Committee failed to appear at the scheduled hearings referenced herein, notwithstanding a returned United States Postal Service Domestic Return Receipt (#7002 2030 0003 1831 0107) bearing respondent treasurer's signature, or to submit an affidavit in explanation of the failure to timely file the required January 31, 2009 Report.

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Findings of Fact

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

1. Respondent Committee 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 Committee failed to timely file a January 31, 2009 Report with OCF.
3. Respondent treasurer failed to provide an explanation for the filing delinquency.
4. Respondent Committee is currently in violation of the statute.

Conclusions of Law

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

1. Respondent Committee 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(a) 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 Committee 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 treasurer has failed to provide a basis for a finding of good cause in this matter.

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Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose 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 a fine of \$2,000.00 be 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 District of Columbia Independents Committee, Miriam Moore, Treasurer, by regular and certified mail, on September 11, 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.