

**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: October 13, 2009
)	
Business Leaders Political Action Committee)	DOCKET NO.: 09P-010
Andrea M. Bagwell, Treasurer)	
1010 Vermont Avenue, NW)	
Washington, DC 20005)	

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 Business Leaders Political Action Committee (hereinafter respondent PAC), Andrea M. Bagwell, 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 Andrea M. Bagwell, (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

On September 22, 2009, the Hearing Officer contacted the respondent treasurer, Andrea M. Bagwell, by telephone to obtain current address information, as well as the reason for the PAC's failure to timely file the January 31, 2009 Report. Ms. Bagwell stated that she had been sick, and that she intends to terminate the PAC due to its inactivity, financially and otherwise. Respondent treasurer further stated that she would visit OCF on September 25, 2009 to formally file the required report, and to officially close the PAC. On September 25, 2009, respondent treasurer, assisted by

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OCF's Senior Auditor, filed the required January 31, 2009 Report, a Termination Report, and a Statement of Committee Termination with OCF.

Findings of Fact

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

1. Respondent PAC 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 PAC filed the required January 31, 2009 Report with OCF on September 25, 2009.
3. Respondent treasurer's explanation for the filing delinquency was that she had been ill and that the PAC was essentially inactive; notwithstanding, the required report was filed upon OCF's instruction to do so.
4. Respondent PAC is currently in compliance with the statute.

Conclusions of Law

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

1. Respondent PAC 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 PAC may be fined a maximum of \$2,000.00 for failing to timely file a January 31, 2009 Report of Receipts and Expenditures.

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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 explanation for the filing delinquency, in that she had been ill and that the PAC was financially inactive, constitute 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

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 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 Business Leaders Political Action Committee, c/o Andrea M. Bagwell, Treasurer, by regular mail on October 13, 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.