

**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 24, 2009
)	
Deborah M. Royster, Treasurer)	DOCKET NO.: 09P-015
Obama for DC)	
1850 Redwood Terrace, NW)	
Washington, DC 20012)	

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 Obama for DC (hereinafter respondent PAC), Deborah M. Royster, 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 Deborah M. Royster (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 July 27, 2009, the respondent treasurer, Deborah M. Royster, contacted OCF by telephone to request a continuance in this matter. On or around July 27, 2009, the Hearing Officer contacted Ms. Royster to advise of OCF's process to schedule a second hearing, where the respondent is unable to appear for the initial hearing. The Hearing Officer further advised that an affidavit, containing a full and complete explanation for the filing delinquency, may obviate the required appearance at hearing. On August 18, 2009, the respondent treasurer filed an affidavit with OCF stating that her inability to

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appear at the rescheduled hearing on August 17, 2009 was due to work-related commitments requiring her presence. Ms. Royster further stated that the failure to file the required report was inadvertent, and due, in large part, to the PAC's financial inactivity since October 2008. Moreover, respondent treasurer stated that she anticipates filing a Termination Report on or around August 21, 2009, reflecting the donation of remaining funds to an appropriate political organization, consistent with OCF regulations. On August 11, 2009, respondent treasurer filed a fully executed January 31, 2009 Report 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 August 11, 2009.
3. Respondent treasurer's explanation for the filing delinquency, in that it was inadvertent due to the PAC's financial inactivity; 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 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 \$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 it was inadvertent and due to the PAC's financial inactivity, 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 Obama for DC, c/o Deborah M. Royster, Treasurer, by regular mail on September 24, 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.