

**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 21, 2010
)	
District of Columbia Young Democrats)	DOCKET NO.: 09P-018
Ayawna Chase, Treasurer)	
1929 Varnum Street, NE)	
Washington, DC 20018)	

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 District of Columbia Young Democrats (hereinafter respondent PAC), Ayawna Chase, 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 Notices of Hearing, Statements of Violations and Orders of Appearance dated January 29, 2010 and February 17, 2010, OCF ordered Ayawna Chase (hereinafter respondent treasurer), to appear at scheduled hearings on February 10, 2010 and February 26, 2010 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 February 26, 2010, Ayawna Chase, President of the PAC, appeared at the rescheduled hearing and testified that she is the former treasurer of record for the PAC, and that insufficient staff attributed to the filing delinquency. Ms. Chase further cited difficulties in appointing a competent individual to fill the position of treasurer; therefore, she held over as treasurer pending such appointment. Moreover, she stated that the PAC was scheduled to hold a general meeting on March 2, 2010, at which time the PAC would address current leadership issues. The Hearing Officer advised that the position of treasurer must be filled and a current Statement of Acceptance of Position of Treasurer form must be filed with OCF if the PAC intends to conduct any financial transactions.

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On February 25, 2010, 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 PAC 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).
2. Respondent PAC filed the required report with OCF on February 25, 2010.
3. Respondent PAC has a history of prior filing delinquencies.
4. Respondent treasurer provided a credible explanation for the filing delinquency in that insufficient staff and the inability to appoint a competent treasurer accounted for the delinquency; notwithstanding, the required report was filed upon OCF's instruction to do so.
5. 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 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 PAC may be fined a maximum of \$2,000.00 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 insufficient staff and the inability to appoint a competent treasurer accounted for the delinquency; notwithstanding, the required report was filed upon OCF's instruction, 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 Ayawna Chase, Treasurer, District of Columbia Young Democrats 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.