

**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 9, 2010
)	
Friends of Calvin Gurley)	DOCKET NO.: 10C-046
Calvin H. Gurley, Treasurer)	
612 Underwood Street, 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 Friends of Calvin Gurley (hereinafter respondent PCC), Calvin Gurley, Treasurer, failed to timely file a June 10, 2010 Report of Receipts and Expenditures as required by D.C. Official Code §1-1102.06(a)(2001 Edition), on or before June 10, 2010.

By Notice of Hearing, Statement of Violations and Order of Appearance dated July 26, 2010, OCF ordered Calvin Gurley (hereinafter respondent treasurer), to appear at a scheduled hearing on August 4, 2010 and show cause why the respondent PCC 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 August 4, 2010, respondent treasurer appeared at the scheduled hearing and testified that he serves as candidate and treasurer of his campaign. He further stated that he contacted OCF on or around the filing deadline to obtain a password as he intended to file electronically. Notwithstanding, respondent treasurer became overwhelmed with other campaign-related matters, thereby failing to file timely. Mr. Gurley stated his plans to enlist immediately an individual who served as treasurer on a former campaign to serve as treasurer for his current campaign. Respondent treasurer thereby anticipates the timely filing of future financial reports. On July 16, 2010, the respondent treasurer electronically filed the required June 10, 2010 Report of Receipts and Expenditures.

Findings of Fact

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

1. Respondent PCC registered with OCF on April 9, 2010.
2. Respondent PCC was required to file a June 10, 2010 Report of Receipts and Expenditures on or before June 10, 2010 in accordance with D.C. Official Code §1-1102.06(a).
3. Respondent PCC filed the required report with OCF on July 16, 2010.
4. Respondent treasurer provided a credible explanation for the filing delinquency in that he serves as both candidate and treasurer for his campaign, and became overwhelmed with campaign responsibilities; notwithstanding, he filed the required report with OCF as soon as practicable.
5. Respondent PCC 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 June 10, 2010 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 \$1,200.00 for failing to timely file a June 10, 2010 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 as candidate and treasurer for his campaign, he became overwhelmed with campaign-related matters, thereby missing the filing deadline; notwithstanding, he filed as soon as practicable, 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 Calvin Gurley, Treasurer, Friends of Calvin Gurley, by regular mail on September 9, 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.