

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550**

IN THE MATTER OF	)	DATE: September 21, 2010
	)	
Committee to Elect Mark Jones	)	DOCKET NO.: 10C-047
Mark A. Jones, Treasurer	)	
330 Taylor Street, NE	)	
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 Committee to Elect Mark Jones (hereinafter respondent PCC), Mark A. Jones, Treasurer, failed to timely file an August 10, 2010 Report of Receipts and Expenditures as required by D.C. Official Code §1-1102.06(a)(2001 Edition), on or before August 10, 2010.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 25, 2010 and September 7, 2010, OCF ordered Mark A. Jones (hereinafter respondent treasurer), to appear at scheduled hearings on September 7, 2010 and September 20, 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 September 20, 2010, respondent treasurer appeared at the re-scheduled hearing and testified that he did not receive notices to file from OCF. Respondent treasurer stated that he served as candidate and treasurer of his campaign. He further stated that OCF's address of record was incorrect due to an incorrect quadrant of the city designation. The Hearing Officer reviewed OCF notices addressed to respondent treasurer and confirmed that OCF issued its notices to the NW (Northwest) quadrant as opposed to the NE (Northeast) quadrant of the city. Moreover, it was determined that the same street number and street name may be found in both quadrants of Washington, D.C. On September 3, 2010, the respondent treasurer filed the required August 10, 2010 Report of Receipts and Expenditures with OCF.

**Findings of Fact**

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

1. Respondent PCC registered with OCF on July 28, 2010.
2. Respondent PCC was required to file an August 10, 2010 Report of Receipts and Expenditures on or before August 10, 2010 in accordance with D.C. Official Code §1-1102.06(a).
3. Respondent PCC filed the required report with OCF on September 3, 2010.
4. Respondent PCC is a first-time filer of the required report.
5. Respondent treasurer provided a credible explanation for the filing delinquency in that he did not receive notices to file due to OCF's incorrect address of record; notwithstanding, the respondent treasurer filed as soon as was practicable.
6. 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 an August 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 \$800.00 for failing to timely file an August 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.

**IN THE MATTER OF: Committee to Elect Mark Jones**  
**Page 3**

5. Respondent treasurer's explanation for the filing delinquency, in that he did not receive notices to file due to OCF's incorrect address of record; notwithstanding, he filed as soon as was 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 Mark A. Jones, Treasurer, Committee to Elect Mark Jones by regular mail on September 21, 2010.

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**NOTICE**

Pursuant to 3DCMR §3711.5 (March 2007), any fine imposed by the Director shall become effective on the 16<sup>th</sup> 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, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.