

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: May 25, 2011
Citizens for Jeff Smith	)	
c/o Jeff Smith, Former Candidate	)	DOCKET NO.: 10C-057
636 Keefer Place, NW	)	10C-058
Washington, DC 20010	)	

**REVISED 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 Citizens for Jeff Smith (hereinafter respondent PCC), Brian Lloyd Wright, Treasurer, failed to timely file an October 10, 2010 and a December 10, 2010 Report of Receipts and Expenditures as required by D.C. Official Code §1-1102.06(a)(2001 Edition), on or before October 12, 2010 and December 10, 2010 respectively.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated November 9, 2010 and January 14, 2011, OCF ordered Brian Lloyd Wright (hereinafter respondent treasurer), to appear at scheduled hearings on November 18, 2010 and January 24, 2011 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 January 24, 2011, respondent candidate, Jeff Smith, appeared pro se at the rescheduled hearing. OCF was represented by Dwayne Gilliam, Senior Auditor, Michael Oliver, Staff Auditor and Laura McQueen Whitaker, Legal Instruments Examiner. Respondent candidate testified that he was not aware of his campaign's filing delinquencies. Respondent candidate stated that he has not been able to contact his campaign treasurer, who suffered a personal tragedy which may or may not have

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contributed to the delinquencies. Mr. Smith further stated that there was no campaign structure in place after the election; and that he would work with OCF's Audit Division to resolve outstanding filing issues. Mr. Oliver raised issues concerning two (2) Requests for Additional Information (RFAI) relative to the committee's June 10, 2010 and August 10, 2010 reports to which there was no response. Further, Mr. Gilliam represented that contributor address information was omitted and a possible excessive contribution require rectifying. Moreover, the committee's Termination Report reflected a negative balance, thereby preventing termination of its filing obligations. Based on the foregoing, the Hearing Officer granted an extension of time to February 28, 2011 for the respondent candidate to file necessary reports to effect closure of committee filing requirements. On February 28, 2011, the Hearing Officer followed-up with OCF's auditors who confirmed that there was no record that respondent candidate contacted OCF concerning outstanding information, nor that subsequent reports were filed with OCF.

**Findings of Fact**

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

1. Respondent PCC registered with OCF on April 2, 2010.
2. Respondent PCC was required to file an October 10, 2010 and December 10, 2010 Report of Receipts and Expenditures on or before October 12, 2010 and December 10, 2010 in accordance with D.C. Official Code §1-1102.06(a).
3. Respondent PCC filed the required October 10, 2010 R&E Report with OCF on December 30, 2010.
4. Respondent PCC was granted an extension of time to February 28, 2011 to file the December 10, 2010 R&E Report in preparation for termination of its reporting requirements.
5. To date, respondent PCC has failed to file the required December 10, 2010 Report of Receipts and Expenditures.
6. Respondent PCC is not in compliance with the statute.

**Conclusions of Law**

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

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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 the October 10, 2010 and December 10, 2010 Reports 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. The original Order in this matter miscalculated the amount of penalties to be imposed for violations at Paragraph #2.
4. In accordance with D.C. Official Code §1- 1103.05(b)(3), the respondent PCC may be fined a maximum of \$2,650.00 for failing to timely file the October 10, 2010 and December 10, 2010 Reports of Receipts and Expenditures.
5. 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.
6. Respondent candidate failed to comply with the grant of additional time to file the required December 10, 2010 Report of Receipts and Expenditures.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,650.00 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  
General Counsel

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that a fine of \$2,650.00 is hereby imposed 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 Jeff Smith, former candidate, Citizens for Jeff Smith, by regular and certified mail on May 25, 2011.

\_\_\_\_\_/s/\_\_\_\_\_

**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.