

**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 433
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: June 1, 2011
)	
Terrence Boykin)	DOCKET NO.: 10F-021
Board Member)	
Board of Real Property Assessments &)	
Appeals for D.C.)	

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 pursuant to D.C. Official Code §1-1106.02 (2001 Edition), TERRENCE BOYKIN, Board Member, Board of Real Property Assessments & Appeals for D.C., failed to timely file, a Financial Disclosure Statement (hereinafter FDS) for calendar year 2009 on or before May 15, 2010 as required by D.C. Official Code §1-1106.02.

By Notice of Hearing, Statement of Violations and Order of Appearance dated April 7, 2011, OCF ordered TERRENCE BOYKIN to appear at a scheduled hearing on April 19, 2011, and show cause why he 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 April 19, 2011, Terrence Boykin (hereinafter Respondent) appeared pro se to answer to the above-cited allegation(s). Laura McQueen-Whitaker, Legal Instruments Examiner, appeared on behalf of OCF. Ms. McQueen-Whitaker testified that the Respondent failed to timely file on May 15, 2010 the required FDS for calendar year 2009; and therefore, Respondent is in violation of the D.C. Official Code §1-1106.02 (2001 Edition).

Respondent testified that on or after July 28, 2010, Respondent contacted OCF with a request for a new log-on password for the purpose of filing the delinquent FDS form online. At that time, Respondent spoke with Sonja Lake, Legal Instruments Examiner, PIRM division at OCF; who subsequently emailed Respondent a new log-on password. Respondent further testified that, following receipt of the email from Ms. Lake, Respondent used the log-on password to access the online filing system to complete the FDS report electronically. Unbeknownst to Respondent, his attempt to submit the delinquent FDS report electronically failed and was never received by OCF.

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Subsequent to the hearing Respondent filed the required FDS report for calendar year 2009 on April 19, 2011. In addition, Respondent also filed an advance FDS report for calendar year 2010. Respondent has no history of FDS filing delinquencies and is now in compliance with the statute.

Findings of Fact

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

1. Respondent serves as Board Member within the Board of Real Property Assessments & Appeals for D.C.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2009, on or before May 15, 2010.
3. Respondent filed the required Financial Disclosure Statement on April 19, 2011.
4. Respondent provided a credible explanation for the filing delinquency in that Respondent's failure to untimely file was unintentional and he reasonably believed that he had electronically filed the required FDS report on or after July 28, 2010 using the new log-on password he received from an OCF representative.
5. Respondent has no history of FDS filing delinquencies is currently in compliance with the statute.

Conclusions of Law

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

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3 DCMR §§3711.2(aa), 3711.2 and 3711.4 (March 2007, as amended) for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 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 may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file is credible in that Respondent's failure to timely file was unintentional and that he reasonably believed he had electronically filed the required FDS report on or after July 28, 2010 using the new log-on password he received from an OCF representative.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

June 1, 2011

Date

Kalvanetta K. Peete
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

June 1, 2011

Date

William Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

June 1, 2011

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on TERRENCE BOYKIN by regular mail, on June 1, 2011

NOTICE

Pursuant to 3DCMR §3711.5, 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 433, 2000 Fourteenth Street, N.W., Washington, D.C. 20009.