

**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 8, 2010
)	
DC Dealers PAC)	DOCKET NO.: 10P-022
James Jackson, Treasurer)	
1532 Pointer Ridge Place, Suite E)	
Bowie, Maryland 20716)	

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 DC Dealers PAC (hereinafter respondent PAC), James Jackson, Treasurer (hereinafter respondent treasurer), failed to timely file a March 10, 2010 Report of Receipts and Expenditures as required by D.C. Official Code §1-1102.06(a)(2001 Edition), on or before March 10, 2010.

By Notice of Hearing, Statement of Violations and Order of Appearance dated May 11, 2010, OCF ordered Arthur Jackson (respondent treasurer), to appear at a scheduled hearing on May 19, 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 May 13, 2010, Marta Gates, Director of Operations, associated with the respondent PAC, filed an affidavit with OCF acknowledging the delinquency of the required report. Ms. Gates stated that she assumed responsibility for the late filing in that she mistakenly believed that she had filed the report timely on behalf of the respondent treasurer, but later determined that she had not. On April 2, 2010, respondent PAC filed the required statutory report with OCF.

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Findings of Fact

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

1. Respondent PAC was required to file a March 10, 2010 Report of Receipts and Expenditures on or before March 10, 2010 in accordance with D.C. Official Code §1-1102.06(a).
2. Respondent PAC filed a March 10, 2010 Report with OCF on April 2, 2010.
3. Respondent PAC has no history of prior filing delinquencies.
4. On behalf of respondent treasurer, Ms. Marta Gates, provided a credible explanation for the filing delinquency in that she believed that she had timely filed the required report, but discovered later that she had not; notwithstanding, she filed promptly upon a determination that the report was due.
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 March 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 PAC may be fined a maximum of \$800.00 for failing to timely file a March 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 PAC's explanation of the filing delinquency, in that there was a mistaken belief that the required report had been filed; notwithstanding, the report was filed promptly upon discovery of the error, provides a basis for a finding of good cause in this matter.

Recommendation

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

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 James Jackson, Treasurer, DC Dealers PAC, by regular mail on September 8, 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.