

**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 23, 2010 |
| |) | |
| Housing PAC of MNCBIA |) | DOCKET NO.: 10P-026 |
| Brian Allan Jackson, Treasurer |) | |
| 1738 Elton Road, Suite 200 |) | |
| Silver Spring, Maryland 20903 |) | |

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 Housing PAC of MNCBIA (hereinafter respondent PAC), Brian Allan Jackson, Treasurer, failed to timely file a January 31, 2010 Report of Receipts and Expenditures (hereinafter January 31, 2010 Report) as required by D.C. Official Code §1-1102.06(a)(2001 Edition), on or before February 1, 2010.

By Notice of Hearing, Statement of Violations and Order of Appearance dated May 11, 2010, OCF ordered Brian Allan Jackson and Steven Stazella (hereinafter respondent treasurers), 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 18, 2010, the respondent PAC filed an affidavit with OCF stating that the filing delinquency was due to an error relative to the change of address of the current treasurer. Further, OCF was advised that the treasurer of record for the PAC was no longer Steven Stazella, and that Brian Allan Jackson had assumed the position several years ago. The Hearing Officer contacted Linda Groft, administrator for the PAC, to advise that a Statement of Acceptance of Position of Treasurer must be filed by the new treasurer, and that the outgoing treasurer is required to file a Statement of Withdrawal of Position of Treasurer. On May 18, 2010, OCF received a Statement of Acceptance of Position of Treasurer executed by Brian Allan Jackson. On March 10, 2010, the required January 31, 2010 Report of Receipts and Expenditures was filed with OCF.

Findings of Fact

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

1. Respondent PAC was required to file a January 31, 2010 Report of Receipts and Expenditures on or before February 1, 2010 in accordance with D.C. Official Code §1-1102.06(a).
2. Respondent PAC filed the required report with OCF on March 10, 2010.
3. Respondent PAC has a history of prior filing delinquencies.
4. Respondent treasurer provided a credible explanation for the filing delinquency in that the PAC failed to notify OCF of the change of address of its treasurer of record; notwithstanding, the required report was filed as soon as was practicable.
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 January 31, 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 \$1,250.00 for failing to timely file a January 31, 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.
5. Respondent treasurer's explanation for the filing delinquency, in that the PAC failed to notify OCF of its treasurer's change of address; notwithstanding, the required report was filed as soon as was practicable, constitutes good cause for suspension of the fine in this matter.

IN THE MATTER OF: Housing PAC of MNCBIA
Page 3

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 Brian Allan Jackson, Treasurer, Housing PAC of MNCBIA by regular mail on September 23, 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.