

**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 9, 2010
)	
DC CPA Political Action Committee)	DOCKET NO.: 10P-029
Abdool S. Akhrah, Treasurer)	
1111 – 19 th Street, NW, Suite 1200)	
Washington, DC 20036)	

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 DC CPA Political Action Committee (hereinafter respondent PAC), Patricia A. O’Malley, [Acting] Treasurer, failed to timely file a June 10, 2010 Report of Receipts and Expenditures as required by D.C. Official Code §1-1102.06(a)(2001 Edition), on or before June 10, 2010.

By Notice of Hearing, Statement of Violations and Order of Appearance dated July 26, 2010, OCF ordered Patricia A. O’Malley (hereinafter respondent treasurer), to appear at a scheduled hearing on August 4, 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 August 4, 2010, Patricia A. O’Malley, former Acting Treasurer and Kari Bedell, Executive Director, Greater Washington Society of CPA’s (Society), appeared at the scheduled hearing representing the PAC. Ms. O’Malley testified that she became President of the Society in July 2008, and discovered sometime later that PAC reports had not been filed with OCF. She contacted OCF’s Audit Manager to obtain guidance concerning how to bring several years of outstanding filings into current status. Ms. O’Malley explained that turnover in the organization was problematic, and that she had to work with the Society’s bank to obtain records needed to file OCF reports. Notwithstanding, Ms. O’Malley stated that the PAC had been inactive, and that the PAC

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had made no disbursements. In additional testimony, Ms. Bedell stated that she mistakenly believed that the June 10, 2010 report could not be filed until OCF made a final determination concerning the adequacy of the 2009 and earlier filings submitted by the PAC. When alerted by OCF that she was under a misimpression relative to the filing requirement, she completed and submitted the required report to OCF. On June 24, 2010, respondent PAC filed the June 10, 2010 Report of Receipts and Expenditures. At the conclusion of the hearing, the respondent PAC filed an amended Statement of Organization, a Statement of Acceptance of Position of Treasurer, and the August 10, 2010 Report of Receipts and Expenditures.

Findings of Fact

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

1. Respondent PAC was required to file a June 10, 2010 Report of Receipts and Expenditures on or before June 10, 2010 in accordance with D.C. Official Code §1-1102.06(a).
2. Respondent PAC filed the required report with OCF on June 24, 2010.
3. Respondent PAC has a history of prior filing delinquencies.
4. Respondent PAC provided a credible explanation for the filing [delinquency] in that the PAC operated under a mistaken belief that the required report should not be filed prior to receipt of a final determination by OCF auditors that other outstanding reports filed were deemed to be adequate.
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 June 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.

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3. In accordance with D.C. Official Code §1- 1103.05(b)(3), the respondent PAC may be fined a maximum of \$450.00 for failing to timely file a June 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.
5. Respondent PAC's explanation for the filing delinquency, in that it was under a mistaken belief that it should not file the required report until prior outstanding reports were deemed adequate by OCF auditors, 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 Abdool S. Akhrah, Treasurer, DC CPA Political Action Committee, by regular mail on September 9, 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.