

**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: December 13, 2010
)	
DC Political Action Candidate Election)	DOCKET NO.: 10P-036
(PACE))	
Dorothy Kennison, Treasurer)	
P.O. 75236)	
Washington, DC 20013-5234)	

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 Political Action Candidate Election (PACE) (hereinafter respondent PAC), Dorothy Kennison, Treasurer, failed to timely file an October 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.

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 8, 2010, OCF ordered Dorothy Kennison (hereinafter respondent treasurer), to appear at a scheduled hearing on November 18, 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 November 18, 2010, Michael Francum, Director of Operations, appeared at the scheduled hearing in lieu of the treasurer. Mr. Francum stated the following: (1) that PACE is a volunteer organization; (2) that he joined the organization in July 2010; and (3) that he prepares the financial reports for PACE. He stated that he assumed the work previously done by Richard Nash, who assisted the treasurer in preparing required reports. Mr. Francum stated that he was unaware that an October 10, 2010 report was due, and that he immediately complied with the filing requirement after he received OCF's Notice of Hearing. Mr. Francum further stated that PACE supported two (2) candidates in the 2010 election cycle. He met with OCF's Audit Manager, who provided

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guidance in updating the PAC's Reports of Receipts and Expenditures, at the conclusion of the hearing. Respondent PAC filed the required October 10, 2010 Report of Receipts and Expenditures on November 15, 2010.

Findings of Fact

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

1. Respondent PAC was required to file an October 10, 2010 Report of Receipts and Expenditures on or before October 12, 2010 in accordance with D.C. Official Code §1-1102.06(a).
2. Respondent PAC filed the required report with OCF on November 15, 2010.
3. Respondent PAC has a history of prior filing delinquencies.
4. Respondent PAC's representative provided a credible explanation for the filing delinquency in that he recently assumed the filing responsibility, and that he was not aware of the requirement to file the current report; notwithstanding, he filed with OCF as soon as instructed to do so.
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 an October 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 \$1,100.00 for failing to timely file an October 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 representative's explanation for the filing delinquency, in that he recently assumed responsibility for filing required reports, and that he was unaware of the filing deadline for the current report; notwithstanding, he filed promptly after OCF's instruction to do so, 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
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 Dorothy Kennison, Treasurer, DC Political Action Candidate Election (PACE) by regular mail on December 13, 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.