

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: December 27, 2011
	)	
The Honorable Shanel Anthony	)	DOCKET No.: 11A-001
ANC 4C07	)	
4409 Kansas Avenue, NW	)	
Washington, DC 20011	)	

**ORDER**

This matter came before the Office of Campaign Finance (OCF), Office of the General Counsel, following a determination by its Public Information and Records Management Division, that pursuant to 3DCMR §3002.5 (March 2007), Shanel Anthony, Candidate, ANC 4C07, failed to timely file, a Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (ANC Summary Financial Statement) for the 2010 General Election, on or before January 31, 2011, as required by 3DCMR §3002.5, and also failed to file on or before the OCF sanctioned extended filing deadline of April 1, 2011.

By Notice of Hearing, Statement of Violations and Order of Appearance dated September 7, 2011, OCF ordered Shanel Anthony (hereinafter respondent), to appear at a scheduled hearing on September 15, 2011, and show cause why he should not be found in violation of Title 3, District of Columbia Municipal Regulations, §3002.5, and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the required ANC Summary Financial Statement for the 2010 General Election, on or before April 1, 2011.

On September 15, 2011, the respondent appeared at the scheduled hearing and testified that he received OCF's notice to file the required ANC Summary Financial Statement in December 2010. Respondent stated that he submitted two (2) hardcopies of the required Statement to OCF. Respondent further stated that he attempted unsuccessfully to file online, and that there may have been a computer glitch preventing such filings. The Hearing Officer stated that electronic filing was made available to ANCs for the first time this calendar year, with the consequence of a system problem as a viable possibility. On July 11, 2011, respondent filed the required ANC Summary Financial Statement with OCF.

**Findings of Fact**

1. Respondent ran as a candidate for ANC Commissioner of SMD 4C07 in the 2010 General Elections.
2. Respondent was required to file an ANC Summary Financial Statement with OCF on or before April 1, 2011.
3. Respondent filed the required ANC Summary Financial Statement with OCF on July 11, 2011.
4. Respondent has no history of prior filing delinquencies.
5. Respondent is currently in compliance with applicable regulation(s).

**Conclusions of Law**

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

1. Respondent violated 3DCMR §3002.5.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §3711.2(ee) for failure to timely file an ANC Summary Financial Statement, as required by 3DCMR §3002.5, is a fine of \$30.00 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 an ANC Summary Financial Statement.
4. For good cause shown pursuant to 3DCMR §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, in that he made several unsuccessful attempts to file the required Statement manually and online, coupled with his favorable filing history, constitute good cause for suspension of the fine.

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**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.

\_\_\_\_\_  
**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 the fine in this matter be hereby suspended.

\_\_\_\_\_  
**Date**

\_\_\_\_\_/s/\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order on the Honorable Shanel Anthony by regular mail on December 27, 2011.

\_\_\_\_\_/s/\_\_\_\_\_

**NOTICE**

Pursuant to 3DCMR §3711.5 (March 2007), any fine imposed by the Director shall become effective on the 16<sup>th</sup> 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 – 14<sup>th</sup> Street, N.W., Washington, D.C. 20009.