

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
	)	
Mercile V. Banks	)	DOCKET No.: 11A-004
ANC 5B01	)	
1428 Channing Street, NE	)	
Washington, DC 20018	)	

**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), Mercile V. Banks, Candidate, ANC 5B01, 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 Mercile V. Banks (hereinafter respondent), to appear at a scheduled hearing on September 15, 2011, and show cause why she 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 she was ill during the filing period, and was required to attend therapy three (3) times per week. Consequently, she forgot to file the required Statement. Respondent stated that she spent no funds on her campaign because she made her own ANC materials and distributed them to her neighbors. Respondent stated that this was her second run for ANC office. On September 15, 2011, respondent filed the required ANC Summary Financial Statement at the conclusion of the hearing.

**Findings of Fact**

1. Respondent ran as a candidate for ANC Commissioner of SMD 5B01 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 September 15, 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 she was ill during the course of the filing period, and that she forgot to file due to health issues, constitute good cause for suspension of the fine.

**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 Mercile V. Banks 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.