

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 15, 2011
)	
The Honorable Barbara J. Clark)	DOCKET No.: 11A-010
ANC 8A02)	
1620 Ridge Place, SE)	
Washington, DC 20020)	

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), Barbara J. Clark, ANC 8A02, 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 Barbara J. Clark (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 13, 2011, the respondent filed an affidavit with OCF concerning the alleged filing delinquency. Respondent stated that she believed that when she filed her Financial Disclosure Statement (FDS) for the Podiatry Board, she also filed the required ANC Summary Financial Statement with OCF. Respondent further stated that she cannot account for OCF's non-receipt of her ANC financial report. OCF's database indicated that respondent filed an FDS electronically on May 11, 2011, however, no such record was found of an ANC filing. On September 13, 2011, respondent filed the required ANC Summary Financial Report.

Findings of Fact

1. Respondent ran as a candidate for ANC Commissioner of SMD 8A02 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 13, 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 believed that she filed the required ANC Summary Financial Statement with OCF at the same time she filed OCF's Financial Disclosure Statement in May 2011; notwithstanding, respondent filed immediately upon OCF's instruction to do so, constitute good cause for suspension of the fine.

In the Matter of: The Honorable Barbara J. Clark
Page 3

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 Barbara J. Clark by regular mail on December 15, 2011.

_____/s/_____

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.