

**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 433  
WASHINGTON, D.C. 20009  
(202) 671-0550**

**IN THE MATTER OF**

John Briscoe  
Member

DC Police & Firefighter Retirement & Relief Board

) Date: September 23, 2011  
)  
) Docket No.: 11F-036  
)  
)

**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 pursuant to D.C. Official Code §1-1106.02 (2001 Edition), JOHN BRISCOE, Member, DC Police & Firefighter Retirement & Relief Board, failed to timely file a Financial Disclosure Statement (hereinafter FDS) for calendar year 2010 on or before May 15, 2011 as required by D.C. Official Code §1-1106.02, and by the extended filing date sanctioned by OCF on June 10, 2011.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 2, 2011, OCF ordered JOHN BRISCOE to appear at a scheduled hearing on August 16, 2011 and show cause why he 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 16, 2011, JOHN BRISCOE (hereinafter Respondent), appeared pro se to answer to the above-cited allegation(s). Latia Gaskins, Clerical Assistant appeared on behalf of OCF. Ms. Gaskins testified that the Respondent failed to timely file the required FDS for calendar year 2010 on or before May 15, 2011 and failed to file by the extended filing date June 10, 2011; and therefore, Respondent is in violation of the D.C. Official Code §1-1106.02 (2001 Edition).

Respondent testified that he was released from the Board in February 2010. Respondent further testified that he received notice from the Assistant Fire Chief of Services, requesting that he complete a financial disclosure form to be returned to the Assistant Fire Chief. For those reasons, Respondent did not file a FDS with OCF because he mistakenly believed the financial form he submitted to the agency Board was the same as the FDS and therefore erroneously assumed that he had satisfied the filing requirement with OCF.

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OCF advised Respondent that OCF is a separate, independent government agency. OCF further explained that the FDS form is a separate "public" financial disclosure statement mandated by the D.C. Office Code and must be filed with OCF annually by May 15<sup>th</sup>. Upon being advised of his duty to file a FDS with OCF, Respondent took immediate action to correct his noncompliance and filed on August 16, 2011. Respondent does not have a history of FDS filing delinquencies and is currently in compliance with the statute.

**Findings of Fact**

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

1. Respondent served as Member within DC Police & Firefighter Retirement & Relief Board.
2. Respondent failed to file a FDS with OCF for calendar year 2010 on or before the extended date June 10, 2011.
3. On August 16, 2011, Respondent filed the required FDS electronically.
4. Respondent filed the require FDS forty-six (46) days past the extended due date, June 10, 2011.
5. Respondent provided credible testimony for the untimely filing in that Respondent was released from the Board in February 2010. Respondent further testified that he received notice from the Assistant Fire Chief of Services, requesting that he complete a financial disclosure form to be returned to the Assistant Fire Chief. For those reasons, Respondent did not file a FDS with OCF because he mistakenly believed the financial form he submitted to the agency Board was the same as the FDS and therefore erroneously assumed that he had satisfied the filing requirement with OCF.
6. Respondent does not have a history of FDS filing delinquencies and is currently in compliance with the statute.

**Conclusions of Law**

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

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3 DCMR §§3711.2(aa), 3711.2 and 3711.4 (March 2007, as amended) for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 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 may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent provided a credible explanation of the untimely filing in that Respondent was released from the Board in February 2010. Respondent further testified that he received notice from the Assistant Fire Chief of Services, requesting that he complete a financial disclosure form to be returned to the Assistant Fire Chief. For those reasons, Respondent did not file a FDS with OCF because he mistakenly believed the financial form he submitted to the agency Board was the same as the FDS and therefore erroneously assumed that he had satisfied the filing requirement with OCF.

**Recommendation**

In view of the foregoing and information included in the record, a maximum fine of \$2,000.00 is appropriate for Respondent's failure to timely file a Financial Disclosure Statement; however, **I HEREBY RECOMMEND** that the Director **SUSPEND** the imposition of this fine in this matter.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Kalvanetta K. Peete**  
Hearing Officer

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**William O. SanFord**  
General Counsel

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine is hereby suspended in this matter.

\_\_\_\_\_  
Date

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

**SERVICE OF ORDER**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to JOHN BRISCOE this \_\_\_\_\_ day of September, 2011 by US Mail and/or Certified Mail.

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**NOTICE**

Pursuant to 3DCMR §3711.5, 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 433, 2000 Fourteenth Street, N.W., Washington, D.C. 20009.