

**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

Everett Foy
Member
Ryan White Planning Council

) Date: December 16, 2011
)
) Docket No.: 11F-116
)
)

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), EVERETT FOY, Member, Ryan White Planning Council, (hereinafter Agency), 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 October 14, 2011 and October 28, 2011, OCF ordered EVERETT FOY (hereinafter Respondent) to appear at a scheduled hearing October 27, 2011 and November 10, 2011, and show cause why Respondent 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

OCF received a listing of potential filer information submitted by the Agency of Respondent's engagement, which information contained Respondent's name; and upon review, OCF confirmed that Respondent served in a position within District of Columbia Government that required compliance with the aforementioned D.C. Code statutory provisions.

OCF alleges that Respondent failed to file a Financial Disclosure Statement for calendar year 2010 by the prescribed deadlines cited above. In accordance with the Act, OCF issued two (2) separate Notice of Hearing, Statement of Violations and Order of Appearance, respectively dated October 14, 2011 and October 28, 2011, ordering Respondent to appear at a scheduled hearing on October 27, 2011 and November 10, 2011. However, Respondent failed to appear.

OCF is confident that the address and contact information provided to OCF by the Agency for Respondent was accurate and that Respondent receive information necessary to satisfy the filing obligation at issue. OCF is further convinced that Respondent received timely and proper service, via regular mail and/or certified mail, since OCF has yet to receive returned mail address to Respondent.

Findings of Fact

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

1. Respondent served as Member within the Ryan White Planning Council.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2010, on or before the extended filing deadline June 10, 2011.
3. Respondent failed to file the required FDS or provide a written reason for not filing;
4. Respondent failed to appear at the scheduled hearing on October 28, 2011 and November 10, 2011;
5. Respondent's address and contact information is accurate, and Respondent received information necessary to satisfy the filing obligation at issue;
6. Respondent is in noncompliance with the statute and may be fined the maximum civil penalty;

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 has failed to provide a basis for a finding of good cause.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose the maximum fine of two thousand (\$2,000) dollars 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 of two thousand (\$2,000) dollars is hereby imposed.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

I HEREBY CERTIFY that a copy of the foregoing ORDER has been furnished to EVERETT FOY this _____ day of December, 2011 by US Mail and/or Certified Mail.

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.