

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS  
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: July 10, 2012
	)	
Committee to Elect Sekou Biddle At-Large	)	DOCKET NO.: 12C-023
Bandele F. McQueen, Treasurer	)	
4829 – 16 <sup>th</sup> Street, NW	)	
Washington, DC 20011	)	

**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 the Committee to Elect Sekou Biddle At-Large (Committee) (hereinafter respondent PCC), Bandele F. McQueen, Treasurer, failed to respond to Requests for Additional Information from OCF’s Reports Analysis and Audit Division (RAAD) concerning the October 10, 2011 and December 10, 2011 Reports of Receipts and Expenditures as required by D.C. Official Code § 1-1163.03(a)(1)(A) of the Campaign Finance Act of 2011.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated March 15, 2012 and April 4, 2012, OCF ordered Bandele F. McQueen (hereinafter respondent treasurer), to appear at scheduled hearings on March 27, 2012 and April 13, 2012 respectively, and show cause why the respondent PCC should not be found in violation of the D.C. Campaign Finance Act of 2011 under Title III of the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011”, and fined accordingly.

**Summary of Evidence**

On April 13, 2012, the respondent treasurer appeared pro se at the re-scheduled hearing. Also present were Dwayne Gilliam, Sr., OCF Senior Auditor and Latia Gaskins, OCF Clerical Assistant. At the hearing, respondent treasurer failed to produce copies of required loan agreements requested by the Reports Analysis and Audit Division (RAAD) pursuant to a Request for Additional Information dated November 25, 2011 relative to a \$4,000.00 loan by the candidate to his principal campaign committee. Further, respondent

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treasurer failed to produce the required loan agreement requested by RAAD pursuant to a Request for Additional Information dated December 23, 2011 relative to a \$5,000 loan by the candidate to his principal campaign committee. Mr. Gilliam added that the Committee had been forthcoming in the past when requested to provide additional information to OCF's Audit Division. The Hearing Officer and respondent treasurer agreed that loan documents would be produced by close of business on April 13, 2012, the date of the hearing; and that related cancelled check data would be provided no later than April 18, 2012. Respondent treasurer failed to produce the required loan documents on April 13, 2012. On April 17, 2012, the Hearing Officer requested that the Senior Auditor email respondent treasurer to advise that electronic submission of the required documents would no longer be acceptable, and that all documents must be authenticated to be considered accepted by OCF. On April 18, 2012, OCF's Senior Auditor advised the Hearing Officer that he reviewed the additional information submitted by the respondent treasurer, and is satisfied with the information as provided.

**Findings of Fact**

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

1. Respondent PCC was required to respond to OCF's Requests for Additional Information (RFAI) dated November 25, 2011 and December 23, 2011 no later than December 10, 2011 and January 6, 2012 respectively.
2. Respondent PCC failed to respond to the referenced Requests for Additional Information.
3. On March 15, 2012, OCF ordered Respondent PCC to appear at a scheduled hearing on March 27, 2012.
4. Respondent PCC failed to appear at the March 27, 2012 hearing.
5. On April 4, 2012, OCF ordered Respondent PCC to appear at a second hearing scheduled for April 13, 2012.
6. Respondent treasurer appeared at the April 13, 2012 hearing.
7. Respondent treasurer failed to provide timely a credible explanation for outstanding matters required to satisfy OCF's Requests for Additional Information, and subsequently submitted information to resolve remaining audit-related matters to the satisfaction of OCF auditors.

**Conclusions of Law**

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

1. Respondent PCC violated Sec. 303(a)(1)(A).
2. The penalty established at 3DCMR §3711.2(cc) for failure to respond to a request for additional information by the Director is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with Sec. 335(a)(1)(3), the respondent PCC may be fined a maximum of \$2,000.00 per violation for failing to respond to requests for additional information by the Director.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent treasurer has not provided a sufficient basis for a finding of good cause in this matter.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,000.00 for each violation herein, or \$4,000.00 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 a fine of \$4,000.00 is hereby imposed in this matter.

\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Cecily Collier-Montgomery  
Director

This Order may be appealed to the Board of Elections within 15 days from the date of issuance.

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order on Bandele F. McQueen, Treasurer, Committee to Elect Sekou Biddle At-Large, by regular and certified mail, on July 10, 2012.

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**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.