

**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

Committee to Elect Sekou Biddle
At-Large
Bande McQueen, Treasurer
4829 – 16th Street, NW
Washington, DC 20011

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DATE: July 27, 2012

DOCKET NO.: 12C-023A

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) based upon respondent treasurer's motion for reconsideration (Motion) of the Order of the Director issued to the Committee to Elect Sekou Biddle At-Large (Committee) on July 10, 2012. On July 10, 2012, the Director entered an Order in this matter which imposed a fine of \$4,000.00 for failure to timely respond to OCF's Requests for Additional Information (RFAI) on or before December 10, 2011 and January 6, 2012. On July 23, 2012, the respondent submitted the Motion via email, followed by a notarized version of same on July 24, 2012.

Summary of Evidence

In the Motion, the respondent treasurer stated that he was not aware of OCF's Requests for Additional Information until receipt of a Notice of Hearing, Statement of Violations and Order of Appearance for a hearing scheduled on April 13, 2012. At the April hearing, respondent treasurer stated that he learned for the first time that certain additional information was required, and that the respondent Committee (Committee to Elect Sekou Biddle At-Large) agreed to provide all outstanding information by close of business on April 13, 2012. Respondent treasurer stated that it was his belief that the required information would be readily available from committee records and from Industrial Bank, the financial institution serving as the Committee's depository. Contrary to the foregoing, the required records were not easily attainable. Further, respondent treasurer stated that previously reported loan amounts of \$4,000.00 and \$5,000.00 to the Committee were inaccurate; consequently, there were no documents to support these transactions. Additionally, OCF online reports were amended to reflect the original loans,

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and supporting documentation was submitted to OCF, including loan agreements and canceled checks.

Findings of Fact

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

1. Respondent treasurer was required to respond to OCF's Requests for Additional Information (RAFI) by December 10, 2011 and January 6, 2012 respectively.
2. Respondent treasurer responded to OCF's RAFIs on April 18, 2012.
3. RAFIs were addressed to the Committee's current address of record, 4829 – 16th Street, NW, Washington, DC 20011.
4. OCF's Second Notice of Hearing was addressed to the Committee's address of record and the candidate's home address, 7605 – 13th Street, NW, Washington, DC 20012.
5. Respondent treasurer was required to report the candidate's \$5,000.00 loan to the Committee, made on May 27, 2011, on the June 10, 2011 Report of Receipts and Expenditures.
6. Respondent treasurer failed to report accurately the candidate's \$5,000.00 loan to the Committee to OCF until April 18, 2012.
7. Respondent treasurer was required to report the candidate's \$10,000.00 loan to the Committee, made on November 15, 2011, on the December 10, 2011 Report of Receipts and Expenditures.
8. Respondent treasurer failed to report the candidate's \$10,000.00 loan to the Committee to OCF until April 18, 2012.
9. On April 17, 2012, OCF forwarded an additional request to the respondent treasurer to submit copies of the original loan agreements, accompanied by indicia of the authenticity of the agreements.
10. On April 18, 2012, the respondent treasurer submitted copies of the original loan agreements, but failed to forward any authenticating documentation.

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11. Respondent treasurer filed amended Reports of Receipts and Expenditures with OCF on April 18, 2012 to accurately reflect loans by the candidate to the Committee, as well as requested loan agreements.
12. Respondent Committee is currently in compliance with the statute.

Conclusions of Law

1. Pursuant to the Order, In the Matter of: Committee to Elect Sekou Biddle At-Large, a fine in the amount of \$4,000.00 was imposed upon respondent herein.
2. Respondent violated D.C. Official Code §1-1163.03(a)(1)(A).
3. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
4. Respondent treasurer is credited with the expeditious handling of OCF's Requests for Additional Information emanating from the hearing; notwithstanding, the respondent treasurer failed to adequately explain the inaccuracy of the reported loan amounts in earlier filings, and to proffer some form of proof of authenticity of the loan agreements.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director reduce the fine to \$1,000.00 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 \$1,000.00 be hereby imposed in this matter.

_____ Date	_____/s/_____ Cecily E. Collier-Montgomery Director
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This Order may be appealed to the Board of Elections within 15 days after issuance.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order by regular mail and certified mail on the Committee to Elect Sekou Biddle At-Large on July 27, 2012.

_____/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 433, 2000-14th Street, N.W., Washington, D.C. 20009.