



**OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
WASHINGTON, D.C. 20009**

IN THE MATTER OF Brown for Ward 5 Treasurer, Jermaine Brown 1241 Owen Place NE Washington, DC 20002)))))))	Date: July 2, 2012 Docket No: 12C-029 and 12C-050
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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 §1-1102.06 (2001 Edition), Jermaine Brown, candidate/treasurer of BROWN FOR WARD 5 campaign committee failed to timely file a March 10th Receipts & Expenditures report (“R&E report”) by March 12, 2012 and failed to file a 8 Day Pre-Special Receipts & Expenditures report by May 7, 2012.

By Notice of Hearing, Statement of Violations and Order of Appearance dated April 6, 2012, April 25, 2012, May 29, 2012 and June 13, 2012, OCF ordered Jermaine Brown (“Respondent”), to appear at a scheduled hearing on April 18, 2012, May 9, 2012, June 6, 2012 and June 21, 2012 and show cause why he should not be found in violation of the D.C. Official Code §1-1101.01 et seq and D.C. Campaign Finance Act of 2012 and filed accordingly.

Summary of Evidence

OCF alleges that Respondent failed to file the March 10th R&E report and the 8 day pre-special election R&E report by the prescribed deadlines cited above. In accordance with the Act, OCF issued two (2) Notice of Hearing, Statement of Violations and Order of Appearance for each violation.

OCF is confident that the address and contact information 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.

In the matter of the March 10th R&E report, OCF issued Notices dated April 6, 2012 and April 25, 2012, ordering Respondent to appear at a scheduled hearing on April 18, 2012 and May 9, 2012. Respondent failed to appear. Likewise, OCF issued Notices dated May 29, 2012 and July 12, 2012 ordering Respondent to appear for failure to file the 8 day pre-special election report. Again, Respondent failed to appear.

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Accordingly, OCF conducted an informal hearing on June 21, 2012 and made a record of the proceeding in the matter of Respondent's failure to file both March 10th and the 8 day pre-special election R&E reports.

Findings of Fact

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

1. Respondent is the candidate/treasurer of Brown for Ward 5 campaign committee.
2. Respondent was required to file the March 10th and 8 day pre-special election R&E report on or before March 12, 2012 and May 7, 2012 (respectively), in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent failed to file both required reports.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated April 6, 2012 and April 25, 2012 Respondent was ordered to appear on April 18, 2012 and May 9, 2012 to answer to charge of failure to file the March 10th R&E report.
5. By Notice of Hearing, Statement of Violations and Order of Appearance dated May 29, 2012 and July 13, 2012, Respondent was again ordered to appear on June 6, 2012 and June 21, 2012 to answer to the charge of failure to file the 8 day pre-special election R&E report.
6. Respondent failed to appear before the Office of Campaign Finance on the scheduled hearing dates cited herein.
7. The March 10th R&E report is more than forty (40) days delinquent and the 8 day pre-primary R&E report is more than thirty (30) days delinquent.
8. Respondent has not complied with the filing obligations at issue.

Conclusions of Law

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

1. Respondent and/or campaign committee violated DC Official Code §1-1102.06(a).
2. The penalty established by DC Official Code §1-1103.05 (b)(3), 3 DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file an R&E Report required by DC Official Code 1-1102.06 is a fine of \$50.00 per day for each business day subsequent to the due date.

3. In accordance with DC Official Code 1-1103.05(b)(3) and 3 DCMR §3711.3, Respondent and/or campaign committee can be fined up to a maximum of \$2,000.00 for failing to timely file an R&E Report.
4. The Director may modify, rescind, dismiss or suspend any fine imposed, pursuant to 3 DCMR §3711.3, for good cause shown; provided that, fines imposed for failure to file an 8 day pre-special election report shall be mandatory, unless a written extension for filing the report is granted by the Director.
5. Respondent failed to appear before the Office of Campaign Finance on the scheduled hearing dates cited herein and failed to file the March 10th R&E report by March 12, 2012, and failed to file the 8 day pre-special election report by May 7, 2012.
6. A fine of \$2,000 is appropriate for the delinquent March 10th R&E report, which is over forty (40) days past due.
7. A fine of \$1,500 is appropriate for the delinquent 8 day pre-special election report, which is thirty-two (32) days past due.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director impose a two thousand (\$2,000) dollar fine for failure to file the March 10th R&E report by March 12, 2012 in this matter.

I FURTHER RECOMMEND that the Director imposes a fifteen hundred (\$1500) dollar fine for failure to file the 8 day pre-special R&E report in this matter.

July 2, 2012

Date

Kalvanetta K. Peete

Kalvanetta K. Peete
Hearing Officer

Concurrence

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

July 2, 2012

Date

William O. SanFord

William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine of two thousand (\$2,000) dollars and the fine of fifteen hundred (\$1,500) dollars are hereby imposed.

July 2, 2012

Date

Cecily E. Collier-Montgomery

Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order has been furnished to Jermaine Brown this _____ day of July 2012 by regular and/or certified mail.

Notice

Pursuant to 3 DCMR §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, 2000 Fourteenth Street, N.W., Suite 433 Washington, DC 20009.