

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 433
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	Date: June 29, 2012
)	
Abraham for Ward 8)	Docket No: 12C-032
Candidate, Jauhar Abraham)	
273 Newcomb Street SW)	
Washington, DC 20032)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (“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), the candidate and/or treasurer for ABRAHAM FOR WARD 8 campaign committee failed to timely file the **8th Day Pre-Primary Report of Receipts and Expenditures** (“R&E Report”) by March 12, 2012, pursuant to District of Columbia Campaign Finance Act of 2012 Section 309 (a) (1) and (b).

By Notice of Hearing, Statement of Violations and Order of Appearance dated April 6, 2012, April 25, 2012 and May 29, 2012, OCF ordered Antoniese Starks to appear at a scheduled hearing on April 19, 2012, May 9, 2012 and June 6, 2012, respectively and show cause why she should not be found in violation of the District of Columbia Campaign Finance Act of 2012, as amended and fined accordingly.

Summary of Evidence

On June 6, 2012, candidate, Jauhar Abraham (“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 R&E Report by March 12, 2012, pursuant to the District of Columbia Campaign Finance Act of 2012, Section 309 (a) (1) and (b).

Respondent stated that he suspended his campaign activity in February 2012 due to a death in his family. For that reason, Respondent spent a great deal of time handling family matters out of state and relied on the treasurer to file R&E reports when they were due. Respondent mistakenly assumed that the delinquent report at issue was the March 10th R&E report that the treasurer filed on March 13, 2012. OCF corrected Respondent’s confusion regarding the two reports. Upon being advised, Respondent agreed to file the R&E Report by June 14, 2012. However, Respondent neglected to file the required R&E report by June 14, 2012.

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To date, Respondent has made no effort to resolve this matter. Since the R&E report is more than forty (40) days past due, a maximum fine of \$2,000 is appropriate in this matter.

Findings of Fact

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

1. Respondent served as candidate for ABRAHAM FOR WARD 8 campaign committee.
2. Respondent failed to file the 8th Day Pre-Primary Report of Receipts and Expenditures on or before March 12, 2012.
3. Respondent provided credible testimony for the untimely filing, in that Respondent assumed that the treasurer had filed the R&E report at issue and upon notice otherwise; Respondent agreed to file the required report by June 14, 2012.
4. Respondent did not file the R&E Report by June 14, 2012 and is still currently delinquent.
5. The required filing is more than forty (40) days past due.

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 credible testimony for the untimely filing, in that Respondent assumed that the treasurer had filed the report at issue in this matter and upon notice otherwise; Respondent agreed to file the required report by June 14, 2012.
- 6 Respondent did not to file the R&E Report by June 14, 2012 and remains delinquent.
- 7 To date, Respondent has made no effort to resolve this matter and the required R&E Report is more than forty (40) 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 in this matter.

June 29, 2012

Date

Kalvanetta K. Peete

Kalvanetta K. Peete
Hearing Officer

Concurrence

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

June 29, 2012

Date

William O. SanFord

William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

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

June 29, 2012

Date

Cecily E. Collier-Montgomery

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

I HEREBY CERTIFY that **Jauhar Abraham** has been provided a copy of the foregoing Order this _____ day of June 2012 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.