

**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

David Leacraft for Ward 7

Candidate, David Leacraft

113 35th ST NE, #4

Washington, DC 20019

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Date: June 6, 2012

Docket No: 12C-042

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), DAVID LEACRAFT, candidate for David Leacraft for Ward 7 political campaign committee, failed to timely file the Report of Exemption for a Candidate Spending Less Than \$500 on or before March 19, 2012, pursuant to the District of Columbia Campaign Finance Act of 2012, Section 213.

By Notice of Hearing, Statement of Violations and Order of Appearance dated May 1, 2012, OCF ordered DAVID LEACRAFT to appear at a scheduled hearing on May 16, 2012 and show cause why he 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 May 16, 2012, DAVID LEACRAFT (hereinafter 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 Report of Exemption for a Candidate Spending Less Than \$500 on or before March 19, 2012, pursuant to the District of Columbia Campaign Finance Act of 2012, Section 213.

Respondent testified that although he registered as a candidate on December 12, 2011 for election year 2012, he did not participate in political campaign activities. Respondent explained that he experienced medical issues that enable him to participate in campaign activities for election year 2012. Upon notice of the delinquent filing, Respondent took action to correct his noncompliance and filed the required report with OCF on May 16, 2012. Respondent is currently in compliance with the Act and does not have a prior history of delinquent filings.

Findings of Fact

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

1. Respondent served as candidate for David Leacraft for Ward 7 political campaign committee.
2. Respondent failed to file the Report of Exemption for a Candidate Spending Less Than \$500 on or before March 19, 2012.
3. Respondent filed the required report on May 16, 2012.
4. Respondent provided credible testimony for the untimely filing, in that Respondent was unable to participate in any campaign activities due to medical issues; and upon notice, Respondent took immediate action to correct his noncompliance by filing.
5. Respondent has no history of FDS filing delinquencies and is currently in compliance with the statute.

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 was unable to participate in any campaign activities due to medical issues; and upon notice, Respondent took immediate action to correct his noncompliance by filing.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director SUSPEND the imposition of a fine 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 is hereby suspended in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

I HEREBY CERTIFY that a copy of the foregoing has been furnished to **DAVID LEACRAFT** 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.