



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

IN THE MATTER OF)	Date: September 25, 2012
)	
Treasurer Trayon White)	Docket No: 12C-072
Committee to Re-Elect Trayon White)	
1109 Wahler Place SE)	
Washington, D.C. 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 & Records Management (“PIRM”) Division that Trayon White, Treasurer for Committee to Re-Elect Trayon White campaign committee, failed to timely file the AUGUST 10TH RECEIPTS & EXPENDITURES REPORT by August 10, 2012 in accord with D.C. Official Code § 1-1163.09(b).

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 23, 2012, OCF ordered Treasurer Trayon White to appear at a scheduled hearing on September 6, 2012 and show cause why he should not be found in violation of the D.C. Official Code §1-1163.09 (b) and filed accordingly.

Summary of Evidence

On September 4, 2012, Candidate Trayon White (“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 Respondent failed to timely file the AUGUST 10TH RECEIPTS & EXPENDITURES REPORT by August 10, 2012 in accord with D.C. Official Code § 1-1163.09(b).

Respondent testified that he initially listed himself as treasurer for the Committee to Re-Elect Trayon White when he filed the Candidate Registration and Statement of Organization forms in June 2012. After filing, Respondent took action to find someone else to replace him as treasurer. Respondent declares that he was unsure whether he had to file since the committee did not have any contributions or expenditures to report,

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Respondent continued to explain that he tried to file electronically, but was unsuccessful since he did not have and/or know the password and login ID required to file online. Therefore, Respondent continued to search for an experienced treasurer to complete the committee's filing. Respondent testified that he had identified a replacement treasurer, Olivia Henderson who had the experience to complete the necessary filing. However, upon notice of the delinquency, Respondent took action to correct the noncompliance and filed the required report on September 4, 2012. Respondent also updated OCF's records with the name of the new committee treasurer.

Upon review of Respondent's filing history, Respondent has history of delinquent filings. Currently, Respondent is in compliance with the statute.

Findings of Fact

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

1. Respondent is the candidate of Committee to Re-Elect Trayon White campaign committee.
2. Respondent failed to file the AUGUST 10TH RECEIPTS & EXPENDITURES REPORT by August 10, 2012.
3. By Notice of Hearing, Statement of Violations and Order of Appearance dated August 23, 2012, OCF ordered Treasurer Trayon White to appear at a scheduled hearing on September 6, 2012.
4. On September 6, 2012, Candidate Trayon White ("Respondent") appeared and provided testimony for the untimely filing, in that Respondent was in search of a new experienced treasurer who could take his place and complete current and future R&E filings with OCF; and upon notice of the delinquency, Respondent took action to correct the noncompliance by filing.
5. Respondent filed the required report on September 4, 2012.
6. Respondent has a history of filing delinquencies, but is currently in compliance with the statute.

Conclusions of Law

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

1. Respondent violated D.C. Official Code §1-1103.02(a)(1) (A) and may be assessed a civil penalty.

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2. In accordance with D.C. Official Code §1-1103.05 (b)(3), the Director may ministerially impose fines upon the Respondent for each separate occurrence of a violation. Each occurrence shall constitute a separate violation and assessed a separate fine for each day of noncompliance; pursuant to 3 DCMR 3711.1.
3. The civil penalty attached to the violation for failure to file written reports and/or answers to Request for Additional Information questions is \$50 per day for each business day subsequent to the due date, pursuant to 3 DCMR §§ 3709.2 (k), 3711.2 (u) and 3711.4
4. The aggregate of penalties imposed under the Director's authority cited under §3711.2 and D.C. Official Code §1103.05 (b)(3), may not exceed two thousand dollars (\$2,000) for each violation.
5. The Director may modify, rescind, dismiss or suspend any fine imposed, pursuant to § 3711, for good cause shown; provided that fines imposed for failure to file an eight (8) day pre-election report shall be mandatory, unless a written extension for filing the report is granted by the Director.
6. Respondent provided credible testimony for the untimely filing, in that Respondent was in search of a new experienced treasurer who could take his place and complete current and future R&E filings with OCF; and upon notice of the delinquency, Respondent took action to correct the noncompliance by filing on September 4, 2012.
7. Respondent has a history of filing delinquencies, but is currently in compliance with the statute.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director suspend the fine in this matter.

September 25, 2012

Date

Kalvanetta K. Peete

Kalvanetta K. Peete
Hearing Officer

Concurrence

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

September 25, 2012

Date

William O. Sanford

William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

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

September 25, 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 the Trayon White this 25th day of September 2012 by regular and/or certified mail.

/s/

Notice

Any party adversely affected by any order of the Director may obtain review of the order by filing a request for a hearing de novo with the Board of Elections within fifteen (15) days from the issuance by the Director of an order. Any fine imposed by the Director, pursuant to §3711.2 shall become effective on the sixteenth (16th) day following the issuance of a decision and order; provided that, the Respondent does not request a hearing de novo, pursuant to §3709.11. Fines imposed shall be paid within ten (10) days of the effective date of the issuance of an order of the Director. Payment by check or money order shall be payable to the D.C. Treasurer, and directed to the Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14th Street NW, Suite 433, Washington, DC 20009.