

**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: February 22, 2013
)	
Abraham for Ward 8)	Docket No: 12C-125
Candidate Jauhar Abraham)	
Treasurer Antoniese Starks)	
7801 Allentown Farm Court)	
Ft. Washington, MD 20744)	

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 pursuant to the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform and Amendment Act of 2011 (“Act”), codified in D.C. Official Code § 1-1163.09(b); Antoniese Starks, Treasurer for Abraham for Ward 8 committee failed to timely file the **DECEMBER 10TH REPORT OF RECEIPTS AND EXPENDITURES**, which was due December 10, 2012.

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 4, 2013, OCF ordered Treasurer Antoniese Starks to appear at a scheduled hearing on January 17, 2013, respectively and show cause why respondent should not be found in violation of the D.C. Official Code § 1-1163.09(b) and the District of Columbia Campaign Finance Act of 2011, as amended and fined accordingly.

Summary of Evidence

On January 17, 2013, Treasurer Antoniese Starks (hereinafter “Respondent”) and Candidate Jauhar Abraham (“hereinafter Candidate”), 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 December 10th Report of Receipts and Expenditures by December 10, 2012, pursuant to the D.C. Official Code § 1-1163.09(b). Auditor Henry Tucker, an employee of OCF appeared as an observer and did not provide testimony in this matter.

At all times pertinent herein, respondent was required to file the December 10th Report of Receipts and Expenditures by Monday December 10, 2012. Respondent filed the December 10th Report of Receipts and Expenditures on December 13, 2012.

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Respondent asserted that she did not intend to file a December 10th report because the committee intended to terminate in November 2012. However, respondent could not terminate as expected because the October 10th report the committee filed on October 10, 2012 required amendments; and the committee had failed to file the 8 Day Pre General report, which was due on October 29, 2012. Eventually, respondent successful filed the October 10th amended report and the 8 Day Pre General report on November 4, 2012. However, respondent did not provide any additional relevant testimony for the untimely filing of the December 10th report.

The committee has three (3) prior occurrences of delinquent filings and it currently remains in noncompliance with the statute regarding the 8 Day Pre Primary report, which was due March 22, 2012. Neither Respondent nor candidate provided a relevant basis for failing to timely file the December 10th report, which was due Monday, December 10, 2012.

Findings of Fact

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

1. Respondent served as treasurer for ABRAHAM FOR WARD 8 campaign committee.
2. Respondent was required to file the December 10th Report of Receipts and Expenditures on or before Monday December 10, 2012.
3. Respondent filed the December 10th report on December 13, 2012.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated January 4, 2013, OCF order respondent to appear at a scheduled hearing on Thursday January 17, 2013 and show cause why respondent failed to timely file the December 10th report.
5. Respondent provided reasonable explanation for the untimely filing of other reports, but failed to provide a relevant explanation for the untimely filing of the delinquent report at issue, which is the December 10th report.
6. The committee has three (3) prior occurrences of delinquent filings and the respondent has not yet filed the 8 Day Pre Primary, which was due March 22, 2012, in accordance with the D.C. Official Code § 1-1163.09(b).
7. The committee currently remains in noncompliance with the statute.

Conclusions of Law

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

1. Respondent violated D.C. Official Code §1-1163.09 (a) (b) and may be assessed a civil penalty.
2. The Director may ministerially impose fines upon the committee 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 a Report of Receipts and Expenditures 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 Director may modify, rescind, dismiss or suspend any fine imposed, pursuant to 3 DCMR § 3711.6, for good cause shown.
5. Respondent filed the December 10th Report of Receipts and Expenditures on December 13, 2012, three (3) days past the required filing date of December 10, 2012.
6. Respondent failed to provide a basis for a finding of good cause in this matter.
7. The committee has a history of delinquent filings, and the respondent has not yet filed the 8 Day Pre Primary report, which was due March 22, 2012 in accordance with the D.C. Official Code § 1-1163.09(b).
8. The committee currently remains in noncompliance with the statute.

Recommendation

In view of the foregoing and information in the record, I HEREBY RECOMMEND that the Director impose a \$150 dollar fine in this matter for failure to timely file the December 10th Report of Receipts and Expenditures.

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 a fine of \$150 dollars be imposed in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

I HEREBY CERTIFY that a copy of the foregoing Order has been provided to Treasurer Antoneise Starks and/or Candidate Jahaur Abraham, this _____ day of FEBRAURY 2013 via regular 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.