

**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: September 13, 2013
)	
Commissioner Anthony Cimino)	DOCKET No.: 13A-012
ANC SMD #1A10)	
425 Irving Street, NW)	
Washington, DC 20010)	

ORDER

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 3DCMR §3002.5 (August 2013), Commissioner Anthony Cimino, failed to timely file, a Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (ANC Summary Financial Statement) for the 2012 General Election, on or before February 11, 2013, the OCF sanctioned extended filing deadline.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 16, 2013, OCF ordered Commissioner Anthony Cimino (hereinafter respondent), to appear at a scheduled hearing on September 3, 2013, and show cause why he should not be found in violation of Title 3, District of Columbia Municipal Regulations, §3002.5, and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the required ANC Summary Financial Statement for the 2012 General Election, on or before February 11, 2013.

Respondent filed the required Summary Financial Statement with OCF on March 20, 2013. Further, on September 12, 2013, Respondent submitted a notarized affidavit with OCF, explaining the circumstances regarding his untimely filing of the Summary Financial Statement. Respondent's affidavit states that his untimely filing of the Summary Financial Statement was caused by work and travel obligations. Commissioner Anthony Cimino is now in compliance with 3DCMR §3002.5 (August 2013).

Findings of Fact

1. Respondent ran as a candidate for ANC Commissioner of SMD 1A10 in the 2012 General Elections.
2. Respondent was required to file an ANC Summary Financial Statement with OCF on or before February 11, 2013.
3. Respondent failed to file an ANC Summary Financial Statement with OCF on or before February 11, 2013.
4. Respondent filed the required ANC Summary Financial Statement with OCF on March 20, 2013.
5. Respondent is currently in compliance with applicable regulation(s).

Conclusions of Law

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

1. Respondent violated 3DCMR §3002.5.
2. The penalty established at 3DCMR §3711.2(s) for failure to timely file an ANC Summary Financial Statement, as required by 3DCMR §3002.5, is a fine of \$30.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1163.35(a)(3), the respondent may be fined a maximum of \$2,000 for failing to timely file an ANC Summary Financial Statement.
4. For good cause shown pursuant to 3DCMR §3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, in that both work and travel obligations prevented him from filing in a timely manner, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

September 13, 2013
Date

_____/s/_____
Austin Franklin
Hearing Examiner

Concurrence

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

September 13, 2013
Date

_____/s/_____
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

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

September 13, 2013
Date

/s/
Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

This is to certify that I have served a true copy of the foregoing Order on Commissioner Anthony Cimino at 425 Irving Street, NW, Washington, DC 20010 on September 13, 2013.

/s/_____

NOTICE

Any party adversely affected by any Order of the Director may obtain review of the Order by filing, with the Board of Elections, a request for a hearing *de novo* pursuant to 3 DCMR §3709.11. Pursuant to 3DCMR §3711.6 (August 2013), 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 – 14th Street, N.W., Washington, D.C. 20009.