

**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
Telephone: (202) 671-0547
Fax: (202) 671-0658**

IN THE MATTER OF

William "Bill" Brown
Candidate - ANC/SMD 1A06
1215 Lamont Street, NW
Washington, DC 20010

) Date: October 23, 2013
)
) Docket No.: 13A-020
)
)
)

ORDER

Statement of 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 ("PIRM"), that pursuant to District of Columbia Municipal Regulations, 3 DCMR § 3002.5 (August 2013), William "Bill" Brown, Candidate, ANC 1A06, failed to timely file, a **Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission** (Summary Financial Statement for ANC Candidates) for the 2012 General Election, on or before February 11, 2013, the OCF sanctioned extended filing deadline.

By Notices of Hearing, Statement of Violations and Order of Appearance dated August 2, 2013 and August 22, 2013, OCF ordered William "Bill" Brown ("Respondent") to appear at scheduled hearings on August 21, 2013 and September 5, 2013 and show cause why he should not be found in violation of 3 DCMR § 3002.5 and fined accordingly.

Summary of Evidence

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

On September 5, 2013, the Respondent appeared at the rescheduled hearing and, having been duly sworn, testified that he was not aware that he was not in compliance with OCF's regulations until he received OCF's certified hearing notice. Respondent stated that he did not receive OCF's first notice of hearing. He stated that he received a telephone call from OCF in February 2013 to remind him of the filing requirement. Respondent further stated that he completed OCF Form 18, and asked his mother to fax it to OCF from the Riderwood Retirement Community where his parents reside. Respondent filed the required Summary Financial Statement for ANC Candidates at the conclusion of the hearing.

Findings of Fact

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

1. Respondent ran as a candidate for ANC Commissioner of ANC / SMD 1A06 in the 2012 General Election.
2. Respondent was required to file a Summary Financial Statement for ANC Candidates with OCF on or before February 11, 2013.
3. By Notices of Hearing, Statement of Violations and Order of Appearance dated August 2, 2013 and August 22, 2013, OCF ordered Respondent to appear for scheduled hearings on August 21, 2013 and September 5, 2013.
4. Respondent filed the required Summary Financial Statement for ANC Candidates on September 5, 2013.
5. Respondent has no history of prior filing delinquencies.
6. Respondent provided a credible explanation for his failure to timely file the required Summary Financial Statement for ANC Candidates, in that he believed he faxed the required report to OCF earlier in the year, after receipt of a reminder telephone contact from OCF.
7. 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 3 DCMR § 3002.5.
2. The penalty established at 3 DCMR § 3711.2(s) for failure to timely file a Summary Financial Statement for ANC Candidates, as required by 3 DCMR § 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 a Summary Financial Statement for ANC Candidates.

4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. The Respondent’s explanation for the filing delinquency, in that he believed that he faxed the required report to OCF after receipt of a reminder telephone contact from OCF, constitutes good cause for suspension of the fine in this matter.

Recommendation

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

October 23, 2013
Date

/s/
Jean Scott Diggs
Senior Hearing Officer

Concurrence

In view of the foregoing, **I HEREBY CONCUR** with the Recommendation.

October 23, 2013
Date

/s/
William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

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

October 23, 2013
Date

/s/
Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the foregoing **ORDER** was served on William “Bill” Brown via regular mail at 1215 Lamont Street, NW, Washington, DC 20010, and by electronic mail at williamebrownjr@gmail.com on this 23rd day of October 2013.

/s/

Notice

Any party adversely affected by an Order of the Director may: (1) file a Motion for Reconsideration (Motion) with the OCF within five (5) days after receipt of an Order, provided that, relevant evidence was omitted from consideration at the hearing (3 DCMR § 3709.13); or (2) 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 date of issuance 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 or Order; provided that, the Respondent does not request a **hearing *de novo*** with the Board of Elections. Fines imposed shall be paid within ten (10) days of the effective date of the issued Order of the Director. Make payment by check or money order, payable to: District of Columbia Treasurer. Send payment to the *Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14th Street NW, Suite 433, Washington, DC 20009.*