

**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
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IN THE MATTER OF

Commissioner Tim Clark
ANC/SMD 5E03
1901 2nd Street, NE, #1
Washington, DC 20002

) Date: October 30, 2013
)
) Docket No.: 13A-025(a)
)
)
)

ORDER

Statement of Case

This matter came before the Office of Campaign Finance (“OCF”), Office of the General Counsel, based upon Respondent’s Motion for Reconsideration (“Motion”) of the Order of the Director issued to Tim Clark, Candidate ANC 5E03, on October 24, 2013. The Director entered an Order in this matter which imposed a fine of \$2,000 for failure to file a Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (“Summary Financial Statement for ANC Candidates”) on or before February 11, 2013, the OCF sanctioned extended filing deadline. On October 24, 2013, the Respondent submitted the Motion via electronic mail.

Summary of Evidence

In the Motion, Respondent explained that he filed the Summary Financial Statement for ANC Candidates with OCF on August 21, 2013, the day Respondent was scheduled to appear for a hearing. Respondent did not attend this hearing due to an emergency. On October 25, 2013, OCF confirmed with the Public Information and Records Management Division (“PIRM”) that Respondent electronically filed the Summary Financial Statement for ANC Candidates on August 21, 2013. Additionally, OCF informed Respondent that, although he filed the Summary Financial Statement for ANC Candidates, he was required to provide a written explanation for his failure to timely file in lieu of attendance at the scheduled hearing. On October 28, 2013, Respondent explained that due to the demands of his job, he was traveling around the time the report was due and was unable to file. Respondent also stated that he thought he had filed the report in March and accidentally overlooked the filing deadline.

Findings of Fact

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

In the Matter of: Commissioner Tim Clark

Docket No.: 13A-025(a)

Page 2

1. Respondent ran as a candidate for ANC Commissioner of ANC/SMD 5E03 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. Respondent filed the Summary Financial Statement for ANC Candidates on August 21, 2013.
4. On October 24, 2013, OCF issued an Order imposing a fine for Respondent's failure to file the Summary Financial Statement for ANC Candidates.
5. On October 24, 2013, Respondent submitted the Motion for Reconsideration explaining that he had filed the Summary Financial Statement for ANC Candidates.
6. On October 28, 2013, Respondent provided OCF with a credible explanation for his failure to timely file, in that he was traveling on business around the time the report was due and accidentally missed the filing deadline.
7. Respondent is currently in compliance with applicable regulation(s).

Conclusions of Law

1. Pursuant to the Order, In the Matter of: Commissioner Tim Clark, Docket Number 13A-025, a fine in the amount of \$2,000 was imposed upon Respondent herein.
2. Respondent violated District of Columbia Municipal Regulation, 3 DCMR § 3002.5.
3. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance ("Director") may modify, rescind, dismiss or suspend any fine.
4. Respondent's Motion explaining the circumstances for his failure to file, in that he actually filed the Summary Financial Statement for ANC Candidates on August 21, 2013, and promptly provided an explanation for the filing delinquency, constitutes good cause to reduce the fine imposed.

In the Matter of: Commissioner Tim Clark
Docket No.: 13A-025(a)
Page 3

Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director vacate the prior Order dated October 24, 2013 and impose a reduced fine of \$150 in this matter.

October 30, 2013
Date

/s/
Jean Scott Diggs
Senior Hearing Officer

Concurrence

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

October 30, 2013
Date

/s/
William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the Order, dated October 24, 2013, is vacated and a reduced fine of \$150 is hereby imposed in this matter.

October 30, 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 Commissioner Tim Clark via regular and certified mail at 1901-2nd Street, NE, #1, Washington, DC 20002, and by electronic mail at timclarkdc@gmail.com 30th 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.*