

**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)	Date: October 24, 2013
)	
Commissioner Tim Clark)	Docket No.: 13A-025
ANC/SMD 5E03)	
1901 2 nd Street, NE #1)	
Washington, DC 20002)	

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), Tim Clark, Candidate, ANC 5E03 failed to 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 Tim Clark (“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 file the required Summary Financial Statement for ANC Candidates for the 2012 General Election, on or before February 11, 2013. Respondent failed to appear at the scheduled hearings referenced and failed to submit an affidavit to explain his failure to file the Summary Financial Statement for ANC Candidates.

On August 21, 2013, the Respondent contacted OCF via email explaining that due to an emergency, he could not attend the hearing scheduled for Wednesday, August 21, 2013. The Respondent also stated in this email that he would submit his Summary Financial Statement for ANC Candidates later that morning. The Respondent failed to submit the Summary Financial Statement on August 21, 2013. Additionally, the Respondent failed to appear for the

second hearing scheduled for September 5, 2013. To date, the Respondent has failed to file the required ANC financial report, and to provide an explanation for the filing delinquency.

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 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. 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 notified OCF that he could not attend the August 21, 2013 hearing, but would file the Summary Financial Statement for ANC Candidates on August 21, 2013.
5. Respondent has not appeared for OCF scheduled hearings.
6. Respondent has not filed the Summary Financial Statement for ANC Candidates.
7. Respondent has not provided OCF with an explanation for the filing delinquency.
8. Respondent is not 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.

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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. Respondent has failed to provide an explanation constituting good cause for suspension of a fine.

Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director impose a fine of \$2,000.

October 24, 2013
Date

/s/
Jean Scott Diggs
Senior Hearing Officer

Concurrence

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

October 24, 2013
Date

/s/
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$2,000 is hereby imposed in this matter.

October 24, 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, NW #1, Washington, DC 20002, and by electronic mail at timclarkdc@gmail.com on this 24th 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*.