

**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)	Date: October 23, 2013
)	
Commissioner Angela Blanks)	Docket No.: 13A-031
Candidate - ANC/SMD 5E10)	
223 Bryant Street, NE)	
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), Commissioner Angela Blanks, Candidate, ANC 5E10, 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 Notice of Hearing, Statement of Violations and Order of Appearance dated August 2, 2013, OCF ordered Commissioner Angela Blanks (“Respondent”) to appear at a scheduled hearing on August 20, 2013 and show cause why she 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 August 20, 2013, the Respondent appeared at the scheduled hearing and, having been duly sworn, testified that she is a new Advisory Neighborhood Commissioner (ANC), who did not understand the filing requirements. Respondent stated that she received OCF’s correspondence concerning the required filing, as well as an email from Gottlieb Simon, head of the District’s ANC office. She stated that she believed she was advised by Mr. Simon that new ANC’s were not required to file with OCF. Respondent further stated that she consulted with other ANC’s who advised her, that as a new ANC, OCF’s filing requirement did not apply. On

August 13, 2013, Respondent filed the Summary Financial Statement for ANC candidates with OCF.

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 5E10 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 Notice of Hearing, Statement of Violations and Order of Appearance dated August 2, 2013, OCF ordered Respondent to appear for a scheduled hearing on August 20, 2013.
4. Respondent filed the required Summary Financial Statement for ANC Candidates on August 13, 2013.
5. Respondent provided a credible explanation for her failure to timely file the required Summary Financial Statement for ANC Candidates, in that she believed that she was advised by other ANCs and the Director of the ANC office, that new ANCs were exempt from OCF's filing requirement. However, she filed immediately after contacting OCF following receipt of the hearing notice.
6. 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 she believed that she was exempt from OCF's filing requirement as a new ANC, and that she immediately filed after receipt of OCF's hearing notice, constitute 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 Commissioner Angela Blanks via regular mail at 223 Bryant Street, NE, Washington, DC 20002, and by electronic mail at blanks.angela@epa.gov 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.*