



OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
WASHINGTON, D.C. 20009

IN THE MATTER OF

Committee to Elect Bill Quirk
Tu Tran, Treasurer
4707 4th Street , NW
Washington, D.C. 20011

)
) Date: April 12, 2013
)
) Docket No: 13C-010
)
)

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Public Information & Records Management (“PIRM”) Division that pursuant to the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform and Amendment Act of 2011, codified in D.C. Official Code § 1-1163.09(b), TU TRAN, Treasurer for the Committee to Elect Bill Quirk campaign committee failed to timely file the January 31st Report of Receipts and Expenditures, which was due Thursday, January 31, 2013 and failed to file by the extended filing deadline of Tuesday, February 19, 2013.

By Notice of Hearing, Statement of Violations and Order of Appearance dated February 26, 2013 and March 15, 2013, OCF ordered Tu Tran, Treasurer (“Respondent”) to appear at a scheduled hearing on March 13, 2013 and March 27, 2013 and show cause why he should not be found in violation of the D.C. Official Code §1-1163.09(b) and the Campaign Finance Act of 2011, as amended and fined accordingly.

Summary of Evidence

On February 26, 2013, OCF sent via regular mail a Notice of Hearing, Statement of Violations and Order of Appearance, ordering Respondent to appear at a scheduled hearing on March 13, 2013 at 11:00 am. Respondent failed to appear. On March 15, 2013, OCF sent another Notice of Hearing, Statement of Violations and Order of Appearance via regular mail and certified mail, ordering Respondent to appear for a rescheduled hearing on March 27, 2013 at 11:00 am. Again, Respondent did not appear.

After waiting a reasonable amount of time for the Respondent to appear at the scheduled hearing on March 27, 2013, OCF conducted the informal hearing by making a record of the proceeding, pursuant to 3 DCMR §3709.9.

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The record of the proceeding established that: 1) On January 4, 2013, OCF mailed to Respondent, a reminder letter to file the January 31st Report on or before Thursday, January 31, 2013; 2) Respondent and /or committee failed to file the required report by the due date; 3) On February 5, 2013, OCF mailed to Respondent, a notice of noncompliance for failure to file the January 31st report and extended the filing deadline to Tuesday, February 19, 2013; 4) Respondent and/or committee failed to file by the extension deadline; 5) Respondent and/or committee failed to appear at a scheduled hearing on March 13, 2013 and March 27, 2013, pursuant to a notice of hearing dated February 26, 2013 and March 15, 2013; and 6) The January 31st Report was filed on March 25, 2013.

The January 31st Report was filed twenty-four (24) days past due. The civil penalty attached to the violation for failure to file a Report of Receipts and Expenditures is fifty dollars (\$50) per day, for each day of noncompliance (excluding weekends and holidays). The committee has a history of delinquent filings. The committee is currently in compliance with the statute

Findings of Fact

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

1. Respondent is the treasurer of the Committee to Elect Bill Quirk campaign committee.
2. Respondent was required to file the January 31st Report of Receipts & Expenditures by Thursday, January 31, 2013.
3. Respondent and/or committee failed to file the January 31st Report by the extended deadline of Tuesday, February 19, 2013.
4. On February 26, 2013, OCF sent via regular mail a Notice of Hearing, Statement of Violations and Order of Appearance, ordering Respondent to appear at a scheduled hearing on March 13, 2013 at 11:00 am. Respondent did not appear.
5. On March 15, 2013, OCF sent another Notice of Hearing, Statement of Violations and Order of Appearance via regular mail and certified mail, ordering Respondent to appear on March 27, 2013 at 11:00 am. Again Respondent did not appear.
6. After waiting a reasonable amount of time, OCF proceeded with the scheduled hearing on March 27, 2013 by making a record of the proceeding.
7. The January 31st Report was filed on March 25, 2013; twenty-four (24) days past due.

8. The committee has a history of delinquent filings and is currently remains in compliance with the statute.

Conclusions of Law

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

1. Respondent violated D.C. Official Code § 1-1163.09(b) and may be assessed a civil penalty.
2. The Director may ministerially impose fines upon the Respondent for each separate occurrence of a violation. Each occurrence shall constitute a separate violation and assessed a separate fine for each day of noncompliance, pursuant to 3 DCMR § 3711.1.
3. The civil penalty attached to the violation for failure to file a Report of Receipts and Expenditures is \$50 per day for each business day subsequent to the due date, pursuant to 3 DCMR §§ 3709.2 (k), 3711.2 (u) and 3711.4.
4. The aggregate of penalties imposed under the Director's authority cited by D.C. Official Code §§1-1163.35 and 3 DCMR § 3711.3 may not exceed two thousand dollars (\$2,000) for each violation.
5. The Director may modify, rescind, dismiss or suspend any fine imposed, pursuant to 3 DCMR § 3711.6, for good cause shown.
6. Respondent failed to file the January 31st Report by the extended deadline of February 19, 2013.
7. The January 31st Report was filed on March 25, 2013; twenty-four (24) days past due.
8. The committee has a history of delinquent filings and is currently in compliance with the statute.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director IMPOSE a fine of One Thousand Two Hundred Dollars (\$1,200) in this matter.

Date

Kalvanetta K. Peete
Hearing Officer

Concurrence

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

Date

William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine of One Thousand Two Hundred Dollars (\$1,200) shall be imposed in this matter.

Date

Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order has been provided to the **Tu Tran, Treasurer** on this _____ day of April 2013 by regular and/or certified mail.

Notice

Any party adversely affected by any Order of the Director may 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 and/or Order; provided that, the Respondent does not request a hearing de novo, pursuant to §3709.11. 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*.