

**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
(202) 671-0550**

IN THE MATTER OF)	DATE: March 5, 2013
)	
Beverly Wheeler, Treasurer)	DOCKET NO.: 13CSF-001
Phil's Fund for Citizen Service)	
c/o Council Chairman Phil Mendelson)	
1350 Pennsylvania Avenue, NW, Suite 402)	
Washington, DC 20004)	

ORDER

STATEMENT OF THE CASE

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel pursuant to a referral from OCF's Reports Analysis and Audit Division (RAAD) based on the failure of the constituent service fund (CSF) of Council Chairman Phil Mendelson (Phil's Fund for Citizen Service) (hereinafter referred to as respondent CSF) to timely file a Statement of Acceptance of Position of Chairperson with OCF as required by D.C. Official Code §1-1163.38(d)(2001 Edition).

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 30, 2013, OCF ordered the respondent CSF to appear at a scheduled hearing on February 8, 2013 and show cause why the CSF should not be found in violation of the District of Columbia Campaign Finance Act of 2011 (the Act), and fined accordingly.

SUMMARY OF EVIDENCE

On February 7, 2013, Council Chairman Phil Mendelson submitted a letter to OCF to advise of receipt of OCF's hearing notice. The Chairman stated that the filing delinquency was due to pressing matters related to his new position as Chairman of the District of Columbia Council, which interfered with his attention to this matter. The Chairman further stated that upon receipt of OCF's Notice of Hearing, he filed a Statement of Organization, as well as the required Statement of Acceptance of Position of Chairperson.

FINDINGS OF FACT

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

1. Respondent CSF was required to file a Statement of Acceptance of Position of Chairperson with OCF no later than November 20, 2012.
2. Respondent CSF filed the required Statement of Acceptance of Position of Chairperson with OCF on February 6, 2013.
3. Council Chairman Mendelson provided a credible explanation for the filing delinquency in that he was involved with pressing matters relative to his new position as Chairman which prevented his attention to the filing requirement; further, the Chairman immediately complied with the filing requirement upon notification of the delinquency.
4. Respondent CSF is currently in compliance with the statute.

CONCLUSIONS OF LAW

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

1. Respondent CSF violated D.C. Official Code §1-1163.38(d).
2. The penalty established at 3DCMR §3711.3 (b) for failure to timely file a Statement of Acceptance of Position of Chairperson for a Constituent Service Program as required by D.C. Official Code § 1-1163.38(d) is a fine of \$30.00 per day.
3. In accordance with D.C. Official Code § 1-1163.35(a)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Statement of Acceptance of Position of Chairperson for a Constituent Service Program.
4. For good cause shown pursuant to 3DCMR § 3711.7, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent CSF has provided a basis for a finding of good cause 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.

March 07 2013
Date

Jean Scott Diggs
Jean Scott Diggs
Senior Hearing Officer

CONCURRENCE

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

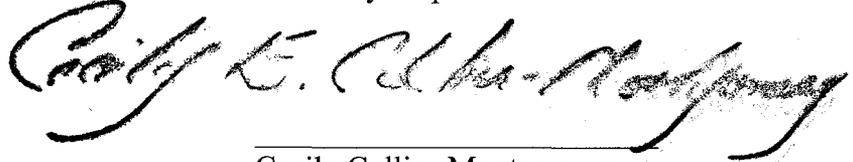
March 7, 2013
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

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

March 07, 2013
Date



Cecily Collier-Montgomery
Director

This Order may be appealed to the Board of Elections within 15 days from the date of issuance.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Council Chairman Phil Mendelson by email at pmendelson@dccouncil.us and by regular mail on March 7, 2013.



NOTICE

Any party adversely affected by an Order of the Director may obtain review of the Order by filing a request for a hearing *de novo* with the Board of Elections. Pursuant to 3DCMR §3711.6, any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this Order, please make a check or money order to the D.C. Treasurer, c/o Office of Campaign Finance, 2000 Fourteenth Street, N.W., Suite 433, Washington, D.C. 20009.