

**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
	)	
Joy Holland, Chief of Staff	)	DOCKET NO.: 13CSF-003
The Honorable Muriel Bowser's Ward	)	
4 Cares Constituent Service Fund (CSF)	)	
1350 Pennsylvania Avenue, NW	)	
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 Councilmember Muriel Bowser (Muriel Bowser's Ward 4 Cares) (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 1, 2013, Joy Holland, Chief of Staff for Councilmember Muriel Bowser, contacted OCF to advise of receipt of OCF's hearing notice. Ms. Holland explained that while she is not the chairperson of the referenced CSF, she oversees constituent service activity on behalf of the Councilmember. Ms. Holland further advised that OCF's November 5, 2012 reminder letter, which was directed to her, may have been overlooked by her due to a personal, medical matter requiring her attention. Ms. Holland stated that she would review matter with the Councilmember immediately, and would either file an affidavit in response to the hearing notice, or appear at the scheduled hearing.

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On February 6, 2013, OCF received an affidavit from Councilmember Bowser stating that she made efforts immediately following the enactment of the new law (requiring a registered chairperson for her CSF) to identify an individual to serve in such capacity. She continued that in the fall of 2012, she identified an individual who had agreed to serve, but neglected to complete the necessary forms. She was later informed that this individual would be unable to serve. Councilmember Bowser stated that she identified another person to serve as Chairperson immediately following her 2012 re-election campaign. She further stated that the required Statement of Acceptance of Position of Chairperson was filed with OCF on January 23, 2013. Councilmember Bowser stated that her CSF in all other respects complied with the relevant statute, and that no financial transactions occurred without a registered treasurer in place.

**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 January 23, 2013.
3. Councilmember Bowser provided a credible explanation for the filing delinquency in that she believed that she had identified an individual to serve in the required capacity, but the individual failed to complete the required documentation and later advised of his inability to serve; further, the Councilmember stated that she was not able to identify another person to serve as chairperson until after the November 2012 elections.
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.

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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**

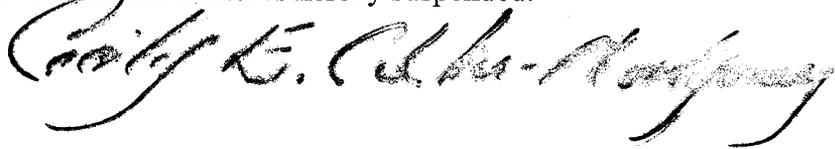
In view of the foregoing, I hereby concur with the Recommendation.

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

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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 Joy Holland, Chief of Staff by email at [jholland@dccouncil.us](mailto:jholland@dccouncil.us) and by regular mail on March 7, 2013.

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**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 16<sup>th</sup> 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.