



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

IN THE MATTER OF)	Date: May 14, 2013
)	
Laura Reyes, Treasurer)	Docket No: 13P-018
AFSCME)	
1625 L Street, NW)	
Washington, DC 20036)	

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, LAURA REYES, Treasurer for the AFSCME failed to timely file the March 10th Report of Receipts and Expenditures due on Monday March 11, 2013, in accordance with D.C. Official Code § 1-1163.09(b).

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 20, 2013, OCF ordered LAURA REYES (“Respondent”) to appear at a scheduled hearing on April 3, 2013 and show cause why she 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 April 3, 2013, Jessica Robinson, Associate General Counsel (“Counsel”), and Chung Hui, Finance Coordinator (“Mr. Hui”) appeared before OCF to answer to the allegation(s) cited above. Latia Gaskins, Clerical Assistant, appeared on behalf of the Office of Campaign Finance. Ms. Gaskins testified that Respondent failed to timely file the March 10th Report of Receipts and Expenditures due on March 11, 2013, pursuant to the D.C. Official Code §1-1163.09(b).

Counsel appeared as representation for the Respondent. Counsel explained that Respondent could not appear in the matter because she was away on business in Memphis, TN. Mr. Hui explained that he assisted Respondent with the preparation and data input of the financial reports electronically. Counsel advised that Respondent planned to file a written affidavit explaining the untimely filing of the March 10th report upon her return from Memphis, TN.

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Accordingly, OCF received Respondent's affidavit on April 29, 2013. Respondent and Counsel provided a credible explanation for the untimely filing of the March 10th report, in that Respondent assumed that the committee did not have to file the March 10th report since the committee was not "participating in the 2013 special election." However, upon notice, the Committee took quick action to correct the noncompliance and filed the March 10th report on April 2, 2013.

At the hearing, the hearing examiner explained to Counsel and Mr. Hui that any committee with intentions of not participating and/or supporting a candidate in the 2013 special election was required to file a *Notification of Non-Support* form with OCF on or before January 31st of this year. Otherwise, the committee was required to file the March 10th report and subsequent reports when due. The hearing examiner advised that since the committee does not have a history of noncompliance, Respondent and Committee have been granted an extension to file the *Notification of Non-Support*. Respondent/Committee promptly filed the *Notification of Non-Support* on April 8, 2013. The committee is currently complies with the statute.

Findings of Fact

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

1. Respondent is the treasurer of the AFSCME political action committee.
2. Respondent was required to file the March 10th Report of Receipts and Expenditures by Monday March 11, 2013.
3. On March 20, 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 April 3, 2013.
4. On April 3, 2013 Jessica Robinson, Associate General Counsel appeared as Respondent's legal representation. Chung Hui, Finance Coordinator also appeared.
5. Counsel explained that Respondent was away on business and could not attend that hearing, but Respondent planned to file a written affidavit explaining the untimely filing upon her return, which was received by OCF on April 29, 2013.
6. Counsel and Respondent provided credible testimony for the untimely filing, in that Respondent mistakenly assumed that no further reporting was required of the committee, because the committee did not intend to participate/support a candidate in the 2013 election year; however, upon notice the committee took action to correct the noncompliance by filing the report and notification.

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7. The committee promptly filed the March 10th report on April 2, 2013 and the Notification of Non-Support on April 8, 2013.
8. The committee is now in compliance with the statute and does not have a history of noncompliance.

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 civil penalty for failure to file a Report of Receipts and Expenditures is \$50 per day for each day of noncompliance, excluding holidays and weekends; not to exceed \$2,000 for each violation, pursuant to D.C. Official Code §1-1163.35.
3. The Director may modify, rescind, dismiss or suspend any fine imposed, pursuant to 3 DCMR § 3711.6, for good cause shown.
4. Respondent failed to file the March 10th Report by March 11, 2013.
5. On April 3, 2013 Jessica Robinson, Associate General Counsel appeared as Respondent's legal representation. Chung Hui, Finance Coordinator also appeared.
6. Counsel explained that Respondent was away on business and could not attend that hearing, but Respondent planned to file a written affidavit explaining the untimely filing upon her return, which was received by OCF on April 29, 2013.
7. Counsel and Respondent provided credible testimony for the untimely filing, in that Respondent mistakenly assumed that no further reporting was required of the committee, because the committee did not intend to participate/support a candidate in the 2013 election year; however, upon notice the committee took action to correct the noncompliance by filing the report and notification.
8. The committee promptly filed the March 10th report on April 2, 2013 and the Notification of Non-Support on April 8, 2013.
9. The committee is now in compliance with the statute and does not have a history of noncompliance.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director suspend any fine in the matter.

Date

Kalvanetta K. Peete
Hearing Officer

Concurrence

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

Date

William O. SanFord

William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the imposition of any fine shall be suspended in this matter.

Date

Cecily E. Collier-Montgomery

Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order has served to Laura Reyes by regular and/or certified mail on this ____ day of May 2013.

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.*