

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>th</sup> STREET, N.W., SUITE 433  
WASHINGTON, D.C. 20009  
Telephone: (202) 671-0547  
Fax: (202) 671-0658**

**IN THE MATTER OF** ) Date: November 18, 2013  
 )  
Patricia Mitchell, Treasurer ) Docket No: 13R-026  
Committee to Elect John F. Settles II )  
12 R Street, NW )  
Washington, D.C. 20001 )

**ORDER**

**Statement of Case**

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a referral by its Reports Analysis and Audit Division (“RAAD”), which alleges that Treasurer Patricia Mitchell for the Committee to Elect John F. Settles II principal campaign committee (“Committee”) failed to respond to a Request for Additional Information (“RFAI”), dated October 11, 2013 by the deadline date October 26, 2013, in violation of the reporting and disclosure requirements of the District of Columbia Campaign Finance Act of 2011, D.C. Official Code (2012) § 1-1163.03(a)(1)(A).

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 5, 2013, OCF ordered Treasurer Patricia Mitchell (“Respondent”) to appear at a scheduled hearing on November 19, 2013 and show cause why the Committee should not be found in violation the Campaign Finance Act of 2011 (cited herein), and fined accordingly.

**Summary of Evidence**

On October 10, 2013, the Audit Division performed a desk review of the Committee’s Report of Receipts and Expenditure (R&E) filed with OCF, for the period of August 11, 2013 through October 10, 2013. The objective of the review was to determine whether the Committee implemented procedures and controls to ensure financial reporting and recordkeeping in accordance with D.C. Official Code § 1-1163.09. The review scrutinized a \$1,000 consultant fee expenditure listed on Schedule B—Itemized Expenditures—of the Committee’s R&E report. As a result, the Audit Division issued an RFAI to Respondent on October 11, 2013 that requested additional information and/or documentation in support of the expenditure for \$1,000 to a “consultant”. Specifically, the Audit Division requested: A copy of the cancelled check of \$1,000, and A copy of the contract agreement between the Committee and the “consultant”. This documentation was due on or before October 26, 2013.

Respondent failed to comply with the RFAI by the deadline date, in violation of the statute cited herein. Subsequently, on November 5, 2013, via a Notice of Hearing, Statement of Violations and Order of Appearance, the Office of the General Counsel (“OGC”) ordered Respondent to appear at a scheduled hearing on November 19, 2013 to answer to the charge of failure to file additional information as requested by OCF’s Audit Division.

Sometime between November 6, 2013 and November 13, 2013, Respondent/Committee corresponded with OCF in attempts to comply with the RFAI, in lieu of attending the scheduled hearing on November 19, 2013. On November 13, 2013, the Audit Division advised the OGC that Respondent/Committee had produced sufficient documentation to satisfy the RFAI. As a result, Respondent/Committee is in compliance with the statute.

### **Findings of Fact**

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

1. Respondent is the treasurer for the Committee to Elect John F. Settles II principal campaign committee.
2. On October 11, 2013, the Audit Division issued a Request for Additional Information to Respondent that requested additional information and/or documentation that would support the Committee’s expenditure of \$1,000 to a “consultant”.
3. Respondent was required to file the additional documentation by October 26, 2013.
4. Respondent failed to comply by the required deadline.
5. By Notice of Hearing, Statement of Violations and Order of Appearance dated November 5, 2013, OCF ordered Respondent to appear for a scheduled hearing on November 19, 2013.
6. On November 13, 2013, the Audit Division advised the OGC that Respondent/Committee had produced sufficient documentation to satisfy the RFAI.
7. Respondent/Committee is in compliance with the statute.

### **Conclusion of Law**

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

1. Respondent violated D.C. Official Code § 1-1163.03(a)(1)(A).
2. The penalty established by 3 DCMR § 3711.2(q) for failure to file additional information requested by the OCF, is a fine of \$50 per day of noncompliance.

3. Respondent may be fined up to a maximum fine of \$550 in this matter.
4. For good cause shown, the Director of Campaign Finance may modify, rescind, dismiss or suspend any fine, pursuant to 3 DCMR § 3711.7.
5. On November 13, 2013, the Audit Division advised the OGC that Respondent/Committee had produced sufficient documentation to satisfy the RFAI.
6. Respondent/Committee is in compliance with the statute.

**Recommendation**

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

\_\_\_\_\_  
November 18, 2013  
**Date**

\_\_\_\_\_  
/s/  
**Kalvanetta K. Peete**  
**Hearing Officer**

**Concurrence**

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

\_\_\_\_\_  
November 18, 2013  
**Date**

\_\_\_\_\_  
/s/  
**William O. SanFord**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the imposition of a fine is hereby suspended in this matter.

\_\_\_\_\_  
November 18, 2013  
**Date**

\_\_\_\_\_  
/s/  
**Cecily E. Collier-Montgomery**  
**Director**

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that a true copy of the **ORDER** was served on Treasurer Patricia Mitchell, via regular mail at: 12 R Street, NW, Washington, D.C. 20001 and electronic mail at: [pmitchell@columbiadb.com](mailto:pmitchell@columbiadb.com) on this \_\_18th\_\_ day of November, 2013.

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Staff

cc: John F. Settles II  
Candidate

Electronic Delivery to: [johnsettles2@gmail.com](mailto:johnsettles2@gmail.com)

Audit Division

Hand Delivery

**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 (16<sup>th</sup>) day following the issuance of a decision or Order; provided that, the Respondent does not request a **hearing de novo**, 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 14<sup>th</sup> Street NW, Suite 433, Washington, DC 20009*.