

**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
Telephone: (202) 671-0547
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IN THE MATTER OF)	Date: March 26, 2014
)	
Carol Schwartz 2008)	Docket No: 14C-009
Treasurer Juliette Smith)	
3915 Windom Pl., NW)	
Washington, D.C. 20016)	

ORDER

Statement of Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Public Information and Records Management Division (“PIRM”) that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.09(b) (2012) and District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (August 2013), Treasurer, Juliette W. Smith of the **Carol Schwartz 2008** principal campaign committee failed to timely file the January 31st Report of Receipts and Expenditures (“R&E report”), which was due by February 19, 2014, the OCF sanctioned extended deadline.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 18, 2014, OCF ordered Juliette Smith (“Respondent”), to appear at a scheduled hearing on April 1, 2014, and show cause why she should not be found in violation of D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

On March 20, 2014, Respondent filed the January 31st R&E report along with a notarized affidavit detailing the circumstances involving the untimely filing of the report. Respondent’s affidavit states that Respondent was in the process of stepping down from the position of Treasurer for the Carol Schwartz 2008 principal campaign committee when the January 31st R&E report became due. Further, Respondent’s affidavit states that Respondent had also changed her address and therefore did not receive notices from OCF in a timely manner.

Respondent has since decided to remain in her position as Treasurer of the Carol Schwartz 2008 principal campaign committee through the remainder of 2014. At this time, the Committee is in compliance with Campaign finance laws and regulations.

Findings of Fact

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

1. Respondent is the Treasurer for the Carol Schwartz 2008 principal campaign committee.
2. The Committee was required to file the January 31st Report of Receipts and Expenditures, which was due on February 19, 2014, the OCF sanctioned extended deadline.
3. The Committee failed to timely file the required R&E report by the February 19, 2014 deadline.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated March 18, 2014, OCF ordered Respondent to appear for a scheduled hearing on April 1, 2014.
5. On March 20, 2014, Respondent filed the January 31st report along with a notarized affidavit detailing the circumstances involving the untimely filing of the R&E report.
6. Respondent's affidavit states that Respondent was in the process of leaving her position of Treasurer when the January 31st R&E report became due.
7. The affidavit also states that Respondent had changed her address and therefore did not receive reminder notices in a timely manner.
8. Respondent's affidavit states that Respondent has since decided to remain Treasurer for the remainder of 2014.
9. The Committee is currently in compliance with applicable regulation(s).

Conclusion of Law

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

1. The Committee violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3403.2.
2. The penalty established by 3 DCMR § 3711.2(f) for failure to file a Report of Receipts and Expenditures with OCF, as required by D.C. Official Code § 1-1163.09(b), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. Under the given facts, the Committee may be fined a total of \$1,000.00.
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. On March 20, 2014, Respondent filed the January 31st R&E report with OCF.
6. Respondent's Affidavit provides an explanation for the Committee's failure to timely file the January 31st R&E report, in that Respondent was in the process of leaving her position as Treasurer for the Carol Schwartz 2008 principal campaign committee when the January 31st R&E report became due.
7. Respondent's explanation for failure to timely file the required R&E report constitutes good cause for suspension of a fine.

Recommendation

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

March 26, 2014
Date

Austin Franklin
Austin Franklin
Hearing Examiner

Concurrence

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

March 26, 2014
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 26, 2014
Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the ORDER has been served on Treasurer Juliette Smith, via regular mail at 3915 Windom Pl., NW, Washington, D.C. 20016 on this 26th day of March, 2014.



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