

**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: April 18, 2014
)	
Winifred Carson-Smith, Treasurer)	Docket No.: 14C-025
Carson-Smith for DNC)	
1937 11 th 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 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 the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (August 2013), Winifred Carson-Smith, Treasurer for Carson-Smith for DNC principal campaign committee, failed to file the 8 Day Pre-Primary Report of Receipts and Expenditures (“8 Day Pre-Primary report”), which was due on March 24, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance dated April 2, 2014, OCF ordered Winifred Carson-Smith (“Respondent”) to appear at a scheduled hearing on April 17, 2014 and show cause why she should not be found in violation of the Campaign Finance Act of 2011 and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

On April 17, 2014, Respondent appeared at the scheduled hearing *pro se*. Laura McQueen, Legal Instruments Examiner, appeared on behalf of OCF. At the hearing, Respondent submitted the 8 Day Pre-Primary report. Respondent testified, having been duly sworn, that she is a first time required filer. Furthermore, Respondent stated that she claimed the \$500 exemption on her Statement of Candidacy submitted to OCF on December 26, 2014 and she realized she exceeded this expenditure limit on March 24, 2014, the day the 8 Day Pre-Primary report was due. Respondent did not understand that when she amended her Statement of Candidacy on March 18, 2014 and established Carson-Smith for DNC as her principal campaign

committee, the \$500 exemption did not apply and the committee was required to submit the 8 Day Pre-Primary report. Respondent further stated that she could not electronically submit the report because she had not submitted the committee's Statement of Organization and needed to submit this document before she could obtain a username and password to access OCF's online filing system. Lastly, Respondent submitted the committee's Statement of Organization and Statements of Acceptance of Treasurer and Chairperson at the scheduled hearing. Respondent explained that she incurred a delay submitting these forms because the Chairperson was out of town and could not complete the form until his return. Respondent is currently in compliance with applicable regulations.

Findings of Fact

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

1. Respondent is the Treasurer for Carson-Smith for DNC principal campaign committee.
2. On March 18, 2014, Respondent submitted an amended Statement of Candidacy establishing Carson for DNC as a principal campaign committee.
3. Respondent was required to file the 8 Day Pre-Primary report on March 24, 2014.
4. Respondent failed to file the 8 Day Pre-Primary report on March 24, 2014.
5. By Notice of Hearing, Statement of Violations and Order of Appearance dated April 2, 2014, OCF ordered Respondent to attend a scheduled hearing on April 17, 2014.
6. On April 17, 2014, Respondent appeared at the scheduled hearing and submitted the 8 Day Pre-Primary report.
7. Respondent provided a credible explanation for failure to timely file the report, in that she is a first time required filer who believed that she only had to file a report if she exceeded the \$500 exemption limit she claimed on her original Statement of Candidacy, constituting good cause for suspension of a fine.
8. Respondent is currently in compliance with applicable regulations.

Conclusion of Law

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

1. Respondent violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2.
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, and pursuant to D.C. Official Code § 1-1163.35(a)(3), the aggregate set of fines imposed may not exceed \$2,000.
3. Respondent may be fined a maximum fine of \$ 1,200 for failing to timely file a R&E report with OCF.
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. Respondent provided a persuasive explanation for her failure to timely file, in that she did not understand that her March 18, 2014 amended Statement of Candidacy establishing Carson for DNC as principal campaign committee required her to file the 8 Day Pre-Primary report and the \$500 exemption no longer applied, constituting 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.

April 18, 2014

Date

Lesley Brown

Lesley Brown
Hearing Officer

Concurrence

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

April 18, 2014

Date

William O. Sanford

William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine is suspended in this matter.

April 18, 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** was served on Treasurer Winifred Carson-Smith via regular mail at 1937 11th Street, NW, Washington, DC 20001 and by electronic mail at wycarsonsmith@gmail.com on this 18th day of April 2014.

28

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*.