

**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: May 12, 2014
)
Christian Carter for Mayor 2014) Docket No: 14C-026
Treasurer Christain Carter)
2509 Branch Avenue, SE)
Washington, D.C. 20020)

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, Christian Carter of the Christian Carter for Mayor 2014 principal campaign committee failed to timely file the 8 Day Pre-Primary Report of Receipts and Expenditures (“R&E report”), which was due by March 24, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance dated April 22, 2014, OCF ordered Christian Carter (“Respondent”), to appear at a scheduled hearing on May 5, 2014, and show cause why he 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 May 5, 2014, Respondent appeared at the scheduled hearing *pro se*. Legal Instruments Examiner, Mrs. Laura McQueen appeared on behalf of the OCF. Mrs. McQueen testified that Respondent failed to file the 8 Day Pre-Primary report in accordance with D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2.

Respondent testified that he recently appeared before OCF on March 14, 2014 to address his committee’s failure in timely filing the January 31st R&E report. At the March 14th hearing, Respondent testified that his Treasurer relocated to Pennsylvania and is no longer able to meet her obligations as Treasurer; therefore Respondent assumed the position of Treasurer for his principal campaign committee. Moreover, Respondent testified that on the day of the March 14th hearing, he attempted to terminate his principal campaign committee but was unable to do so due to the committee having outstanding debt. Respondent further testified that he was unaware of his Committee’s obligation to file an 8 Day Pre-Primary report. Respondent was advised that the committee would not have been obligated to file the 8 Day Pre-Primary R&E report had Respondent been successful in terminating his principal campaign committee on March 14, 2014. Respondent stated that he will work with the Reports Analysis and Audit Division to properly terminate his principal campaign committee. Respondent filed the 8 Day Pre-Primary Report on May 5, 2014, at the conclusion of the hearing.

Findings of Fact

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

1. Respondent is the Treasurer for the Christian Carter for Mayor 2014 principal campaign committee.
2. The Committee was required to file the 8 Day Pre-Primary Report of Receipts and Expenditures by March 24, 2014.
3. The Committee failed to timely file the required R&E report by the March 24, 2014 deadline.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated April 22, 2014, OCF ordered Respondent to appear for a scheduled hearing on May 5, 2014.
5. Respondent appeared at the scheduled hearing *pro se*.
6. Respondent testified that he attempted to terminate his principal campaign committee on March 14, 2014 but was unable to successfully terminate the committee due to the committee's outstanding debt obligations.
7. Respondent stated that he was unaware of his Committee's obligation to file an 8 Day Pre-Primary report.
8. Respondent was advised that had he been successful in terminating his principal campaign committee on March 14th, the committee would not have been obligated to file the 8 Day Pre-Primary R&E report.
9. Respondent filed the 8 Day Pre-Primary Report on May 5, 2014, at the conclusion of the hearing.
10. Respondent is currently working with the Reports Analysis and Audit Division to properly terminate his principal campaign committee.

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 \$1,450.00.
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. Respondent provided an explanation for the Committee's failure to timely file the 8 Day Pre-Primary Report in that Respondent attempted to terminate his principal campaign committee on March 14, 2014 but was informed by representatives of the Public Information and Records Management Division that he could not terminate the Committee until the Committee satisfied all outstanding debt.
6. At the conclusion of the hearing, Respondent filed the 8 Day Pre-Primary Report.
7. Respondent is currently working with the Reports Analysis and Audit Division to properly terminate his principal campaign committee.
8. 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.

May 12, 2014
Date

Austin Franklin
Austin Franklin
Hearing Examiner

Concurrence

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

May 12, 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.

May 12, 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 Christian Carter, via regular mail at 2509 Branch Avenue, SE, Washington, D.C. 20020 and by electronic mail at ccarter@cc4dc.com on this 12th day of May, 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.*