

**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 30, 2014
)	
Carlos Allen for Mayor)	Docket No: 14C-028
Treasurer Carlos Allen)	
1715 Kilborne Pl. NW)	
Washington, D.C. 20010)	

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, Carlos Allen of the **Carlos Allen for Mayor** 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 4, 2014, OCF ordered Carlos Allen (“Respondent”), to appear at a scheduled hearing on April 21, 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 April 8, 2014, the *Carlos Allen for Mayor* principal campaign committee filed the 8 Day Pre-Primary R&E report with OCF. Subsequently, on April 21, 2014, former Mayoral candidate, Carlos Allen filed a notarized affidavit detailing the circumstances involving the untimely filing of the report. Mr. Allen’s affidavit states that the untimely filing was due to difficulty in utilizing the online filing website. Specifically, Allen’s affidavit states that he attempted to file the report on March 24th; however, he received a message indicating that the internal server was not working properly. Mr. Allen was able to provide OCF with a copy of the error message that he received while attempting to file online. Further, Mr. Allen’s affidavit states that he believed that he had successfully filed the report when he made a second attempt later that day to utilize the online filing website. Mr. Allen’s affidavit states that he did not become aware that his second attempt was unsuccessful until he received a Notice of Hearing from OCF. Allen promptly filed the 8 Day Pre-Primary report after receiving the Notice of Hearing.

Findings of Fact

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

1. Respondent is the Treasurer for the Carlos Allen for Mayor principal campaign committee.
2. The Committee was required to file the 8 Day Pre-Primary Report of Receipts and Expenditures, which was due on 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 4, 2014, OCF ordered Respondent to appear for a scheduled hearing on April 21, 2014.
5. On April 8, 2014, former Candidate Carlos Allen filed the 8 Day Pre-Primary R&E report with OCF.
6. On April 21, 2014 Mr. Carlos Allen filed a notarized affidavit detailing the circumstances involving the untimely filing of the report.
7. Mr. Allen's affidavit states that the report was filed untimely due to difficulty utilizing the online filing website.

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 \$500.00.
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. Mr. Allen's notarized affidavit provided an explanation for the Committee's failure to timely file the 8 Day Pre-Primary R&E report, in that Mr. Allen experienced difficulty in filing the report electronically due to a technical issue regarding the online filing website. Mr. Allen was able to provide OCF with a copy of the error message that he received while attempting to file his report on the online filing website.
6. Mr. Allen'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.

April 30, 2014

Date



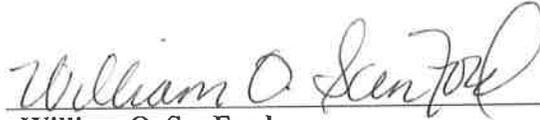
Austin Franklin
Hearing Examiner

Concurrence

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

April 30, 2014

Date



William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby suspended.

April 30, 2014

Date



Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** has been served on Treasurer Carlos Allen, via regular mail at 1715 Kilborne Pl. Street, NW, Washington, D.C. 20010 and by electronic mail at info@carlosallenformayor.com on this 30th day of April, 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.*