



THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>TH</sup> STREET NW, SUITE 433  
WASHINGTON, D.C. 20009

IN THE MATTER OF

Beverly Wheeler, Treasurer  
Beverly Wheeler for Ward 1  
3527 Tenth Street, NW  
Washington, DC 20010

) Date: July 31, 2014  
)  
) Docket No: 14C-038  
)  
)  
)

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 **Beverly Wheeler**, Treasurer for the Beverly Wheeler for Ward 1 Principal Campaign Committee (“committee”) failed to timely file the June 10<sup>th</sup> Report of Receipts and Expenditures, which was due on Tuesday, June 10, 2014, in violation of the Campaign Finance Act of 2011 (2012), District of Columbia Official Code § 1-1163.09(a)(1)(b) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2.

By Notice of Hearing, Statement of Violations and Order of Appearance dated June 24, 2014 and July 9, 2014, OCF ordered Treasurer Beverly Wheeler (“Respondent”) to appear at a scheduled hearing on July 8, 2014 and July 23, 2014 (respectively) and show cause why the committee should not be found in violation of the D.C. Official Code § 1-1163.09(a)(1)(b) and 3 DCMR § 3017.2, and fined accordingly.

Summary of Evidence

On May 12, 2014, the Office of Campaign Finance sent a “Reminder to File Your June 10<sup>th</sup> Report” letter to Respondent. The letter informed Respondent that the June 10<sup>th</sup> Report of Receipts and Expenditures (“June 10<sup>th</sup> Report”) was due by the filing deadline date of Tuesday, June 10, 2014. Respondent failed to file the June 10<sup>th</sup> Report by the required filing deadline date. Subsequently the matter was referred to the Office of the General Counsel (“OGC”) for enforcement action.

On June 24, 2014, OGC sent via regular mail a Notice of Hearing, Statement of Violations and Order of Appearance (“Notice”), ordering Respondent to appear for a scheduled hearing on July 8, 2014. Respondent failed to appear. Therefore, OGC sent another Notice dated July 9, 2014 that ordered Respondent to appear for a second scheduled hearing on July 23, 2014. Again, Respondent failed to appear. To date, neither Respondent nor the committee has filed the June 10<sup>th</sup> Report. The civil penalty attached to the violation for failure to file a Report of Receipts and Expenditures is fifty dollars (\$50.00) per day, for each day of noncompliance (excluding weekends and holidays).

The committee’s June 10<sup>th</sup> Report is thirty (30) days delinquent. The committee has a history of filing delinquencies and currently remains in noncompliance with the June 10<sup>th</sup> Report filing.

**Findings of Fact**

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

1. Respondent is the treasurer of the Beverly Wheeler for Ward 1 Principal Campaign Committee.
2. Respondent was required to file the June 10<sup>th</sup> Report of Receipts & Expenditures by the required filing date of Tuesday, June 10, 2014.
3. Respondent failed to file the June 10<sup>th</sup> Report by the required due date.
4. OGC issued a Notice dated June 24, 2014 that ordered Respondent to appear at a scheduled hearing on July 8, 2014. Respondent failed to appear.
5. OGC issued another Notice dated July 9, 2014 that ordered Respondent to appear for a second scheduled hearing on July 23, 2014. Again, Respondent failed to appear.
6. As of July 23, 2014, neither Respondent nor the committee has filed the June 10<sup>th</sup> Report, which is thirty (30) days delinquent.
7. The committee has a history of delinquent filings and currently remains in noncompliance with the June 10<sup>th</sup> filing.

**Conclusions of Law**

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

1. Respondent violated D.C. Official Code § 1-1163.09(a)(1)(b) and 3 DCMR § 3017.2.
2. 3 DCMR § 3711.1 provides that each allegation shall constitute a separate violation and a fine shall attach for each day of non-compliance for each violation.
3. 3 DCMR § 3711.2(f) establishes a fifty dollar (\$50) fine for failure to timely file a Report of Receipts and Expenditures, up to a maximum of \$1,500.00, pursuant to D.C. Official Code § 1-1163.35(3).
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 failed to file the June 10<sup>th</sup> Report by the required due date.
6. OGC issued a Notice dated June 24, 2014 that ordered Respondent to appear at a scheduled hearing on July 8, 2014. Respondent failed to appear.
7. OGC issued another Notice dated July 9, 2014 that ordered Respondent to appear for a second scheduled hearing on July 23, 2014. Again, Respondent failed to appear.
8. As of July 23, 2014, neither Respondent nor the committee has filed the June 10<sup>th</sup> Report, which is thirty (30) days delinquent.
9. The committee has a history of delinquent filings and currently remains in noncompliance with the June 10<sup>th</sup> filing.

**Recommendation**

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director impose a fine \$1,500.00 in this matter.

July 31, 2014  
Date

Kalvanetta K. Peete  
Kalvanetta K. Peete  
Hearing Officer

**Concurrence**

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

July 31, 2014  
Date

William O. Sanford  
William O. Sanford  
General Counsel

**ORDER OF THE DIRECTOR**

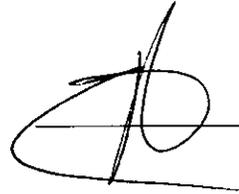
**IT IS ORDERED** that a fine of \$1,500.00 is hereby imposed in this matter.

July 31, 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 Beverly Wheeler, Treasurer, via regular mail and certified mail at 3527 Tenth Street, NW, Washington DC 20010 on this 31<sup>st</sup> day of July, 2014.



A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a horizontal line extending to the right.

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.*