

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>th</sup> STREET, N.W., SUITE 433  
WASHINGTON, D.C. 20009  
Telephone: (202) 671-0547  
Fax: (202) 671-0658**

<b>IN THE MATTER OF</b>	)	Date: December 11, 2014
	)	
Barry for Ward 8 Re-Election	)	Docket No: 14C-067
Treasurer Robert James	)	
3331 5 <sup>th</sup> Street, SE	)	
Washington, D.C. 20032	)	

**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 Treasurer, Robert James of the Barry for Ward 8 Re-Election principal campaign committee failed to timely file the **July 31<sup>st</sup> Report of Receipts and Expenditures** (“R&E report”), pursuant to the 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), which was due by the OCF sanctioned extended deadline of August 18, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance dated October 17, 2014, OCF ordered Robert James (“Respondent”), to appear at a scheduled hearing on October 30, 2014, and show cause why she should not be found in violation of D.C. Official Code § 1-1163.09(b) and fined accordingly.

**Summary of Evidence**

At the request of the Respondent, the hearing scheduled for October 17<sup>th</sup> was rescheduled to November 7, 2014. On November 7, 2014, Respondent appeared at the scheduled hearing *pro se*. Also present at the hearing was Public Affairs Specialist, Ms. Laura McQueen. Ms. McQueen testified that Respondent failed to file the July 31<sup>st</sup> Report of Receipts and Expenditures which was due by the OCF sanctioned extended deadline of August 18, 2014.

Respondent conceded that the July 31<sup>st</sup> R&E report had not been filed. Respondent testified that the committee was experiencing difficulty in obtaining their financial records and that Respondent had been working with staff from OCF’s Reports Analysis and Audit Division to resolve the issue. Consequently, Respondent testified that the committee was unable to file the July 31<sup>st</sup> R&E report because the committee did not have a complete copy of the committee’s financial records. Respondent was granted additional time to obtain the committee’s financial records and file them with the Public Information and Records Management Division. Respondent subsequently filed the July 31<sup>st</sup> R&E report with OCF. The committee is now in compliance with the D.C. Official Code.

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**Findings of Fact**

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

1. Respondent is the Treasurer for the Barry for Ward 8 Re-Election principal campaign committee.
2. The Committee was required to file the July 31<sup>st</sup> R&E report by August 18, 2014.
3. The Committee failed to timely file the July 31<sup>st</sup> R&E report by the required deadline.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated October 17, 2014, OCF ordered Respondent to appear for a scheduled hearing on October 30, 2014.
5. At the request of the Respondent, the hearing scheduled for October 17<sup>th</sup> was rescheduled to November 7, 2014.
6. On November 7, 2014, Respondent appeared at the scheduled hearing *pro se*.
7. Respondent testified that the untimely filing of the July 31<sup>st</sup> R&E report was due to difficulty obtaining the committee's financial statements.
8. Respondent was given additional time to obtain the committee's financial records and file the July 31<sup>st</sup> R&E report with OCF.
9. Respondent subsequently filed the July 31<sup>st</sup> R&E report with OCF.
10. The Barry for Ward 8 Re-Election committee is now in compliance with all applicable campaign finance laws.
11. Respondent does not have a history of non-compliance.

**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).
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 \$2,000.00.
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. Respondent testified that he was unable to file the July 31<sup>st</sup> R&E report because the committee experienced difficulty in obtaining the committee's financial records.
6. Respondent does not have a history of non-compliance.
7. Respondent's explanation for failure to timely file the July 31<sup>st</sup> R&E report constitutes good cause for suspension of a fine.

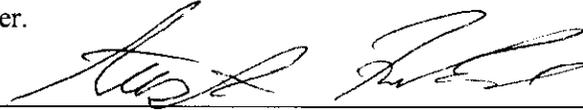
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**Recommendation**

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

December 11, 2014

**Date**



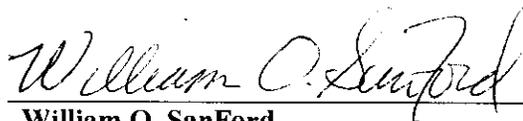
**Austin Franklin**  
**Hearing Examiner**

**Concurrence**

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

December 11, 2014

**Date**



**William O. SanFord**  
**General Counsel**

**ORDER OF THE DIRECTOR**

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

December 11, 2014

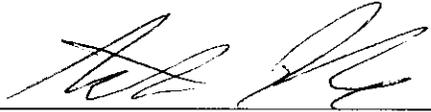
**Date**



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

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that a true copy of the **ORDER** has been served on Treasurer Robert James, via regular mail at 3331 5<sup>th</sup> Street, SE, Washington, D.C. 20032, on this 11<sup>th</sup> day of December, 2014.



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**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** 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 14<sup>th</sup> Street NW, Suite 433, Washington, DC 20009.*