

**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
Fax: (202) 671-0658**

IN THE MATTER OF)	Date: December 8, 2014
)	
Winifred Y. Carson-Smith, Treasurer)	Docket No.: 14C-070
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 Y. Carson-Smith, Treasurer for Carson-Smith for DNC principal campaign committee, failed to file the October 10, 2014 Report of Receipts and Expenditures (“October 10th R&E report”), which was due on October 10, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance dated October 23, 2014, OCF ordered Winifred Y. Carson-Smith (“Respondent”) to appear at a scheduled hearing on November 12, 2014 and show cause why Carson-Smith for DNC principal campaign committee 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 November 12, 2014, Respondent appeared at the scheduled hearing *pro se*. Laura McQueen, Legal Instruments Examiner, appeared on behalf of OCF. At the hearing, Respondent testified, having been duly sworn, that she has been in South Carolina tending to her mother who needs assistance. Respondent further testified that she was aware that she did not file the October 10th R&E report and she was aware of the committee’s prior delinquent filings. Additionally, Respondent explained that her office mate informed her of the OCF notices delivered to the office; however, Respondent stated that she did not return to the office to check the notices. Respondent testified that she was focused on tending to her mother and she did not

know when she would return. Respondent was advised that she should inform OCF of her travel responsibilities ahead of time and not ignore the notices she receives. Lastly, Respondent explained that the committee has only made administrative expenditures during the reporting periods. At the conclusion of the hearing, Respondent agreed to file the October 10th R&E report by November 19, 2014.

On November 19, 2014, Respondent failed to file the October 10th R&E report. On November 20, 2014, Respondent emailed OCF explaining that for the past three days she had trouble locating the committee's electronic PIN and username. OCF provided Respondent with this information on November 20, 2014 and Respondent filed the October 10th R&E report on November 20, 2014.

Respondent has a prior history of delinquent filings; however, Respondent is in compliance with the October 10th R&E report filing.

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. Respondent was required to file the October 10th R&E report by October 10, 2014.
3. Respondent failed to file the October 10th R&E report by October 10, 2014.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated October 23, 2014, OCF ordered Respondent to attend a scheduled hearing on November 12, 2014.
5. On November 12, 2014, Respondent appeared at the scheduled hearing and agreed to file the October 10th R&E report by November 19, 2014.
6. Respondent testified that her office mate informed her of the OCF notices sent to her work address; however, Respondent did not go by the office to read them.
7. Respondent further testified that she has been in South Carolina tending to her mother who needs assistance.

8. Respondent failed to file the October 10th R&E report by November 19, 2014.
9. On November 20, 2014, Respondent contacted OCF and requested the committee's username and electronic PIN which OCF provided to Respondent that day.
10. On November 20, 2014, Respondent filed the October 10th R&E report.
11. The October 10th R&E report filing was twenty-seven (27) days late.
12. Respondent has a prior history of delinquent filings.
13. Respondent is currently in compliance with the October 10th R&E report filing.

Conclusions 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. The October 10th R&E report filing was twenty-seven (27) days late.
4. Respondent may be fined a maximum fine of \$1,350.00 for failing to timely file a R&E report with OCF.
5. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent breached the agreed upon terms discussed during the November 12, 2014 hearing.
7. Respondent has a prior history of delinquent filings.
8. Respondent is in compliance with the October 10th R&E report filing.

Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director impose a reduced fine of \$250.00 in this matter.

December 8, 2014

Date

Lesley Brown

Lesley Brown
Hearing Officer

Concurrence

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

December 8, 2014

Date

William O. Sanford

William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a reduced fine of \$250.00 is imposed in this matter.

December 8, 2014

Date

Cecily E. Collier-Montgomery

Cecily E. Collier-Montgomery
Director

