

**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

Committee to Elect Ernest Johnson
Allan Rolnick, Treasurer
4512 41st Street
Sunnyside, NY 11104

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Date: January 12, 2015

Docket No: 14C-080

ORDER

Statement of the 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 Campaign Finance Act of 2011 (2012), District of Columbia Official Code § 1-1163.09(a)(1) and (b) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2, **ALLAN ROLNICK**, Treasurer of the Committee to Elect Ernest Johnson Principal Campaign Committee (“committee”), failed to timely file the 8 Day Pre-General Report of Receipts and Expenditures, which was due on Monday, October 27, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 17, 2014, OCF ordered treasurer Allan Rolnick (“Respondent”) to appear at a scheduled hearing on December 2, 2014 and show cause why the committee should not be found in violation of the D.C. Official Code § 1-1163.09(a)(1) and (b) and 3 DCMR § 3017.2, and fined accordingly.

Summary of Evidence

On November 22, 2014, Respondent provided a written explanation for the untimely filing of the 8 Day Pre-General Report. Respondent explained that he inadvertently filed the 8 Day Report incorrectly. Respondent explained that he reported the committee’s receipts and expenditures for the period of October 11-October 24, 2014 as the October 10th Report. A review of the committee’s filing record revealed that Respondent had filed an “Amended” October 10th Report on October 27, 2014, the date in which the 8 Day Pre-General Report was due.

Realizing the error, Respondent took immediate action and filed the appropriate 8 Day Pre-General Report on November 28, 2014. As a result, the committee is currently in compliance with its filing obligations and does not have a history of filing delinquencies.

Findings of Fact

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

1. Respondent is the Treasurer of the Committee to Elect Ernest Johnson Principal Campaign Committee.
2. The committee was required to the 8 Day Pre-General Report on October 27, 2014.
3. Respondent failed to timely file the required report by due date referenced above.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated November 17, 2014, Respondent was ordered to appear for a schedule hearing on December 2, 2014.
5. On November 22, 2014, Respondent provided a credible explanation for the untimely filing, in that Respondent inadvertently reported the committee's receipts and expenditures for period covering October 11-October 27, 2014 as an "Amended" October 10th Report on October 27, 2014, instead of the 8 Day Pre-General Report.
6. Realizing the error, Respondent took immediate action and filed the appropriate 8 Day Pre-General Report on November 28, 2014.
7. The committee is currently in compliance with its filing obligations and does not have a history of filing delinquencies.

Conclusions of Law

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

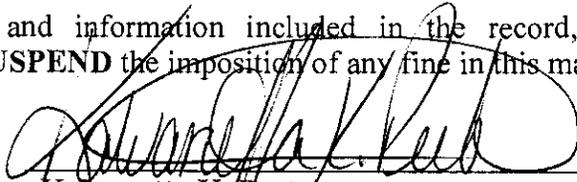
1. Respondent violated D.C. Official Code § 1-1163.09)(a)(1) and (b) and 3 DCMR § 3017.2.
2. 3 DCMR § 3711.7 provides that fines imposed for failure to file an 8 Day Pre-Election report shall be mandatory, unless written extension for filing the report is granted by the Director.
3. 3 DCMR § 3711.2(f) establishes a fifty dollar (\$50) fine for failure to timely file a Report of Receipts and Expenditures, up to a maximum of \$1050.00, 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 timely file the required report by due date referenced above.
6. By Notice of Hearing, Statement of Violations and Order of Appearance dated November 17, 2014, Respondent was ordered to appear for a schedule hearing on December 2, 2014.

7. On November 22, 2014, Respondent provided a credible explanation for the untimely filing, in that Respondent inadvertently reported the committee's receipts and expenditures for period covering October 11-October 27, 2014 as an "Amended" October 10th Report on October 27, 2014, instead of the 8 Day Pre-General Report.
8. Realizing the error, Respondent took immediate action and filed the appropriate 8 Day Pre-General Report on November 28, 2014.
9. The committee is currently in compliance with its filing obligations and does not have a history of filing delinquencies.

Recommendation

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

January 12, 2015
Date

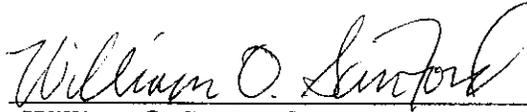


Kalvanetta K. Beete
Hearing Officer

Concurrence

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

January 12, 2015
Date



William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the imposition of any fine is **HEREBY SUSPENDED** in this matter.

January 12, 2015
Date



Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** has been served on Allan Rolnick, Treasurer of the Committee to Elect Ernest Johnson, via regular mail at 1451 Park Wood Place, NW, Washington, D.C. 20010 and/or 4512 41st Street, Sunnyside, NY 11104 on this 12th day of January, 2015.



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.*