

**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: February 12, 2015

Docket No: 14C-088

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 December 10th Report of Receipts and Expenditures, which was due on Wednesday, December 10, 2014.

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 13, 2015 and January 29, 2015, OCF ordered treasurer Allan Rolnick (“Respondent”) to appear at a scheduled hearing on January 27, 2015 and February 11, 2015 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

In lieu of appearance at the scheduled hearing on Wednesday, February 11, 2015, Respondent submitted a written Statement of Explanation on February 11, 2015. In the statement, Respondent explained that he had surgery in December, 2014 and spent several weeks in recovery from December, 2015 through January, 2015. Respondent contends that during his time of recovery, he was unable to timely file the December 10th Report. In addition, Respondent indicated that on two separate occasions, he emailed OCF to request an extension to file the December 10th Report. On December 8, 2014, Respondent sent an email to OCF requesting an extension to file the December 10th Report by December 15, 2014. On January 21, 2015, Respondent sent another email to OCF requesting another extension to file the December 10th Report by January 28, 2015.

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Respondent stated that both requests were unanswered. Respondent provided copies of both emails to demonstrate proof. Respondent does not have a history of untimely filings and is currently in compliance with the December 10th filing requirement.

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 Respondent was required to file the December 10th Report on Wednesday, December 10, 2014 and failed to timely file the December 10th Report by the required due date.
3. By Notice of Hearing, Statement of Violations and Order of Appearance dated January 13, 2015 and January 29, 2015, OCF ordered Respondent to appear at a scheduled hearing on January 27, 2015 and February 11, 2015.
4. Respondent provided a credible explanation for the untimely filing, in that Respondent was unable to timely file the December 10th Report because he spent several weeks during December, 2014 and January, 2015 recovering from a surgery he underwent in December.
5. Respondent produced credible proof that he attempted to request an extension to file the December 10th Report, via email on December 8, 2014 and January 21, 2015.
6. Respondent file the December 10th Report on January 28, 2015.
7. Respondent does not have a history of untimely filings and is currently in compliance with the December 10th filing requirement.
8. On the basis of Respondent's statement and documented attempts to request a filing extension, Respondent has provided good cause for a recommendation to suspend any fine in this matter.

Conclusions of Law

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

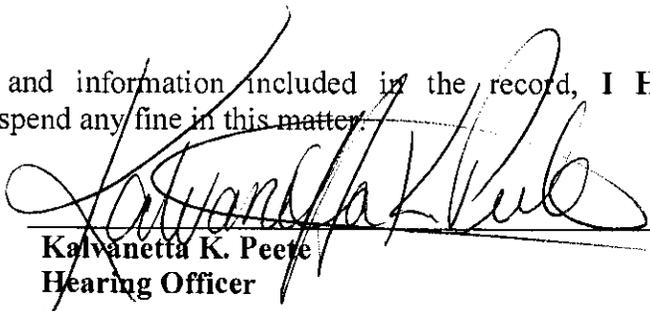
1. Respondent violated D.C. Official Code § 1-1163.09)(a)(1) and (b) and 3 DCMR § 3017.2.
2. 3 DCMR § 3711.2(f) establishes a fifty dollar (\$50) fine for failure to timely file a Report of Receipts and Expenditures.
3. 3 DCMR § 3711.1 maintains that a fine shall attach for each day of noncompliance; up to a maximum of \$1,550.00, pursuant to D.C. Official Code § 1-1163.35(a)(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 December 10th Report by the required due date.
6. Respondent provided a credible explanation for the untimely filing, in that Respondent was unable to timely file the December 10th Report because he spent several weeks during December, 2014 and January, 2015 recovering from a surgery he underwent in December.
7. Respondent produced credible proof that he attempted to request an extension to file the December 10th Report, via email on December 8, 2014 and via email on January 21, 2015.
8. Respondent file the December 10th Report on January 28, 2015.
9. Respondent does not have a history of untimely filings and is currently in compliance with the December 10th filing requirement.
10. On the basis of Respondent's statement and documented attempts to request a filing extension, Respondent has provided good cause for a recommendation to suspend any fine in this matter.

Recommendation

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

February 12, 2015

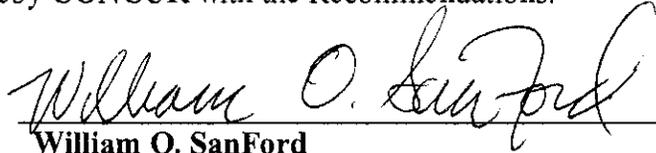
Date


Kalvanetta K. Peete
Hearing Officer

Concurrence

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

February 12, 2015
Date

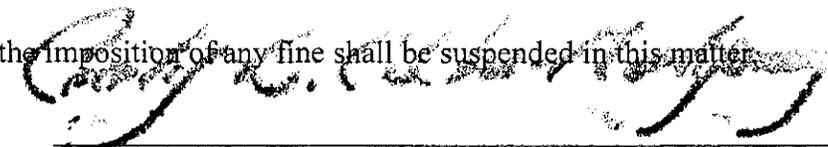


William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the imposition of any fine shall be suspended in this matter.

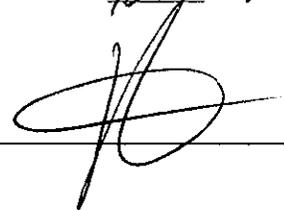
February 12, 2015
Date



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 4512 41st Street, Sunnyside, NY 11104 and email at allanjrcpa@aol.com on this 12th day of February, 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.