

**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)

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

Date: February 26, 2015

Docket No: 14C-096

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, **BEVERLEY WHEELER**, Treasurer of the Beverley Wheeler for Ward 1 Principal Campaign Committee (“committee”), failed to timely file the December 10th Report of Receipts and Expenditures (“R&E”) that 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 Beverley Wheeler (“Respondent”) to appear at a scheduled hearing on January 28, 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

On November 18, 2014, the Public Information and Management Division (“PIRM”) sent a Reminder Letter to the Respondent, reminding Respondent to file the December 10th Report on Wednesday, December 10, 2014. Respondent failed to file the December 10th Report by December 10, 2014. Consequently, on December 18, 2014 PIRM referred the matter to the Office of the General Counsel (“OGC”) for enforcement.

On January 13, 2015, OGC issued a Notice of Hearing, Statement of Violations and Order of Appearance to Respondent, via regular mail, ordering Respondent to appear at a scheduled hearing on January 28, 2015. Respondent failed to appear at the scheduled hearing and has not filed the December 10th Report. On January 29, 2015, OGC issued another Notice of Hearing, Statement of Violations and Order of Appearance to the Respondent, via regular and certified mail, ordering Respondent to appear at a rescheduled hearing on February 11, 2015. Again, Respondent failed to appear at the scheduled hearing and has not filed the December 10th Report.

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As of February 11, 2015, Respondent has not filed the December 10th Report, which is forty-one (41) days delinquent. Respondent has a repeated history of delinquent filings. The committee remains in noncompliance of its filing obligations.

Findings of Fact

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

1. Respondent is the Treasurer of the Beverley Wheeler for Ward 1 Principal Campaign Committee.
2. The Respondent was required to file the December 10th Report on December 10, 2014; however, the Respondent 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 28, 2015 and February 11, 2015.
4. Respondent did not appear at either scheduled hearing on January 28, 2015 or February 11, 2015.
5. As of February 11, 2015, Respondent has not filed the December 10th Report, which is forty-one (41) days delinquent.
6. The Respondent has a repeated history of delinquent filings and the committee remains in noncompliance of its filing obligation.

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 \$2,000.00, 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 file the December 10th Report by December 10, 2014.
6. 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 28, 2015 and February 11, 2015.

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7. Respondent did not appear at either scheduled hearing on January 28, 2015 or February 11, 2015 and has not filed the December 10th Report, which is forty-one (41) days delinquent.
8. The Respondent has a repeated history of delinquent filings and the committee remains in noncompliance of its filing obligation.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director impose a \$2,000.00 fine in this matter.

2/26/15
Date

Kalvanetta K. Pette
Kalvanetta K. Pette
Hearing Officer

Concurrence

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

02/26/2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

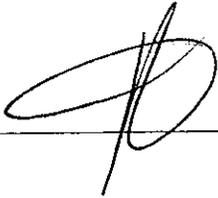
IT IS ORDERED that a \$2,000.00 fine shall be imposed in this matter.

2/26/15
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 Beverley Wheeler, Treasurer of the Beverley Wheeler for Ward 1, via regular and certified mail at 3527 Tenth Street, NW, Washington, D.C. 20010 on this 26th day of February, 2015.



A handwritten signature in black ink, consisting of a large, stylized 'P' or similar character, is written over a horizontal line.

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.*