

**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: March 24, 2014
)	
Beverley Wheeler, Treasurer)	Docket No.: 14R-008
Beverley Wheeler for Ward 1)	
3527 Tenth Street, NW)	
Washington, D.C. 20010)	

ORDER

Statement of Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Reports Analysis and Audit Division (“RAAD”) that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.03(a)(1)(A) (2012) and the District of Columbia Municipal Regulations 3 DCMR § 3403.2 (August 2013), Beverley Wheeler, Treasurer for Beverley Wheeler for Ward 1 principal campaign committee, failed to respond to RAAD’s Request for Additional Information dated February 6, 2014 by the February 21, 2014 deadline.

By Notice of Hearing, Statement of Violation and Order of Appearance dated March 6, 2014, OCF ordered Beverley Wheeler (“Respondent”) to appear at a scheduled hearing on March 19, 2014 and show cause why she should not be found in violation of the Campaign Finance Act of 2011 and 3 DCMR § 3403.2 and fined accordingly.

Summary of Evidence

RAAD reviewed Respondent’s January 31st Report of Receipts and Expenditures (“January 31st R&E report”) which reported a one thousand dollar (\$1,000.00) consulting expenditure for Shettel Strategic Consulting. The purpose of the expenditure on the January 31st R&E report was listed as “Consultant.” On February 6, 2014, RAAD requested that Respondent submit additional documentation regarding this expenditure. Specifically, RAAD requested that Respondent submit an invoice, contract, or receipt and a copy of a check to substantiate this expenditure by February 21, 2014. The Respondent failed to submit the required information by the stated deadline.

On Wednesday, March 19, 2014, the Respondent appeared at the scheduled hearing *pro se*. Ms. Michele Steele, RAAD staff auditor, appeared on behalf of the OCF. Ms. Steele

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testified, having been duly sworn, that RAAD issued a Request for Additional Information on February 6, 2014 regarding a one thousand dollar (\$1,000.00) consulting expenditure for Shettel Strategic Consulting reported on Respondent's January 31st R&E report. Specifically, Ms. Steele stated that RAAD requested Respondent to submit additional information in the form of an invoice and check by February 21, 2014. Ms. Steele further explained that she did not receive a response from Respondent by the February 21, 2014 deadline. Respondent testified, having been duly sworn, that she had with her all required information. Respondent produced three documents: an original copy of a consulting agreement between Shettel Strategic Consulting and Beverley Wheeler for Ward 1 signed by Respondent and John Shettel effective from September 16, 2013 through April 30, 2014 (**Exhibit A**); an original copy of an invoice dated January 30, 2014 from Shettel Strategic Consulting to Beverley Wheeler for Ward 1 signed by John Shettel for consulting services during the period of November 1, 2013 through January 30, 2014 (**Exhibit B**); and a copy of a January 17, 2014 check for one thousand dollars (\$1,000.00) issued by Beverly Wheeler for Ward 1 to John Shettel for campaign management services (**Exhibit C**). Ms. Steele reviewed these documents and determined that these documents were sufficient and satisfied RAAD's February 6, 2014 Request for Additional Information.

Respondent was asked to explain why she failed to provide this information by RAAD's February 21, 2014 deadline. Respondent testified that she had the information and she would have faxed it to OCF, but time got away from her. Additionally, Respondent explained that she wanted to speak with Ms. Steele in-person regarding her challenges with documenting on-going contracts. Respondent stated that the Shettel Strategic Consulting contract was the first contract she encountered that required multiple payments, and she did not know how to report this type of contract. Respondent testified that she intended to come to OCF, but by the time she realized she had not, she received the March 6, 2014 Notice of Hearing in the mail and decided that she would attend the scheduled hearing. Respondent was reminded that it is better to respond to any notice she receives rather than waiting for deadlines to pass. Respondent apologized for failing to timely respond.

Findings of Fact

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

1. Respondent is the Treasurer for Beverley Wheeler for Ward 1 principal campaign committee.
2. Respondent was required, by RAAD's February 6, 2014 Request for Additional Information, to submit supporting documents regarding a consulting expenditure reported on the January 31st R&E report on or before February 21, 2014.
3. Respondent failed to submit the supporting documents by the February 21, 2014 deadline.

4. By Notice of Hearing, Statement of Violations and Order of Appearance dated March 6, 2014, OCF ordered Respondent to appear for a scheduled hearing on March 19, 2014.
5. Respondent attended the March 19, 2014 scheduled hearing and provided OCF with the required supporting documentation.
6. Respondent provided a credible explanation for her delinquency, in that she thought it would be better to wait and discuss RAAD's Request for Additional Information in-person at OCF given that she was having difficulty documenting an on-going contract for the first time, constituting good cause for suspension of a fine.
7. Respondent satisfied RAAD's February 6, 2014 Request for Additional Information.
8. Respondent is currently in compliance with applicable regulations.

Conclusions of Law

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

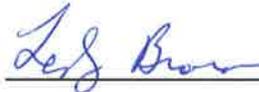
1. Respondent violated D.C. Official Code § 1-1163.03(a)(1)(A) and 3 DCMR § 3403.2.
2. D.C. Official Code § 1-1163.35(a)(3) and 3 DCMR § 3711.2(q) institutes a fine of fifty dollars (\$50.00) for failure to file additional information and the aggregate set of fines imposed may not exceed two thousand dollars (\$2,000.00).
3. Respondent may be fined a maximum penalty of \$1,300 for failure to timely file additional information.
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 provided a persuasive explanation for her failure to respond to the Request for Additional information, in that she wanted to discuss her difficulty with reporting an on-going contract in-person and decided that attending the scheduled hearing would be a good way to resolve her situation, constituting good for suspension of a fine.
6. Respondent satisfied RAAD's February 6, 2014 Request for Additional Information.
7. Respondent is currently in compliance with applicable regulations.

Recommendation

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

March 24, 2014 _____

Date



Lesley Brown
Hearing Officer

Concurrence

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

March 24, 2014 _____

Date



William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine is suspended in this matter.

March 24, 2014 _____

Date



Cecily E. Collier-Montgomery
Director

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** was served on Treasurer Beverley Wheeler via regular mail at 3527 Tenth Street, NW, Washington, DC 20010, and by electronic mail at beverley@beverleydc.org on this 24th day of March 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 (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.