

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>TH</sup> STREET, N.W., SUITE 433  
WASHINGTON, D.C. 20009  
Telephone: (202) 671-0547  
Fax: (202) 671-0658**

**IN THE MATTER OF**

Henry Gilford, Treasurer  
ABC of Metro Washington D.C.  
6901 Muirkirk Meadows Drive, Suite F  
Beltsville, MD 20705

) Date: April 7, 2014  
)  
)  
) Docket No.: 14R-009  
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)

**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), Henry Gilford, Treasurer for ABC of Metro Washington D.C. political action committee, failed to respond to RAAD’s Request for Additional Information dated January 30, 2014 by the February 14, 2014 deadline.

By Notices of Hearings, Statements of Violation and Orders of Appearance dated March 6, 2014 and March 20, 2014, OCF ordered Henry Gilford (“Respondent”) to appear at scheduled hearings on March 20, 2014 and April 3, 2014 and show cause why he 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 31<sup>st</sup> Report of Receipts and Expenditures (“January 31<sup>st</sup> R&E report”) and discovered a discrepancy regarding the difference between the December 10<sup>th</sup> report’s ending balance and the January 31<sup>st</sup> report’s beginning balance. Therefore, on January 30, 2014, RAAD requested that Respondent correct this discrepancy and submit an amended January 31<sup>st</sup> R&E report by February 14, 2014. The Respondent failed to submit the January 31<sup>st</sup> R&E report by the stated deadline.

On March 7, 2014, Respondent submitted the amended January 31<sup>st</sup> R&E report; however, Respondent failed to provide an explanation for his non-compliance. On March 12, 2014, OCF called Respondent and left a voice message explaining that submission of amended

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January 31<sup>st</sup> R&E report alone does not cure non-compliance. Additionally, OCF requested that Respondent submit an explanation or attend the March 20, 2014 scheduled hearing. Respondent failed to attend the March 20, 2014 scheduled hearing. On March 20, 2014, OCF sent a second notice of hearing by regular and certified mail. Both hearing notices were addressed to Respondent at the following address on file: 4061 Powder Mill Road, #120, Calverton, MD 20705.

On March 27, 2014, OCF checked the status of the certified second hearing notice on the United States Postal Service website and learned that the second hearing notice was “undeliverable” and being returned to sender. Later that day, OCF called Respondent to confirm his address on file. Respondent explained that he did not receive a notice, was no longer the Treasurer, and that OCF should contact Robert Zinsmeister, ABC of Metro Washington Chapter Director of Government Affairs. OCF informed Respondent that he would need to submit a Statement of Withdrawal of Position of Treasurer on or before Friday, April 4, 2014.

On March 28, 2014, OCF contacted Mr. Zinsmeister who indicated that he was not aware that Respondent no longer wanted to be the Treasurer. Mr. Zinsmeister stated that he never received a notice and informed OCF that ABC of Metro’s address had changed. OCF informed Mr. Zinsmeister that the committee needed to submit an amended Statement of Organization and update the committee’s new address. Additionally, OCF informed Mr. Zinsmeister that if Respondent submitted a Statement of Withdrawal, the committee would need to appoint another person to this position by submitting a Statement of Acceptance of Position of Treasurer. Lastly, OCF provided Mr. Zinsmeister with an April 4, 2014 deadline for the committee to submit the explanation for non-compliance, the amended Statement of Organization, and the Statement of Acceptance of Position of Treasurer to OCF.

On April 2, 2014, Mr. Zinsmeister called OCF and stated that Respondent had decided to remain as Treasurer. OCF informed Mr. Zinsmeister that the committee needed to submit the explanation for non-compliance and the amended Statement of Organization by April 4, 2014. OCF called Respondent and confirmed that he wanted to remain as Treasurer. OCF reminded Respondent that, as Treasurer, all notices would be sent to him and it is important that he timely respond. Later that day, the second hearing notice was returned to OCF by the United States Postal Service.

On April 4, 2014, Mr. Zinsmeister submitted an amended Statement of Organization signed by Respondent with the committee’s current address and contact information. Mr. Zinsmeister also submitted an explanation stating that ABC of Metro Washington Chapter relocated towards the end of 2013 and inadvertently forgot to amend its Statement of Organization and submit this form to OCF. Lastly, Mr. Zinsmeister explained that the committee has recorded future filing deadlines on its calendar to avoid reporting delays.

**Findings of Fact**

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

1. Respondent is the Treasurer for ABC of Metro Washington D.C. political action committee.
2. Mr. Robert Zinsmeister is the Director of Government Affairs for ABC of Metro Washington Chapter.
3. Respondent was required to file an amended January 31<sup>st</sup> R&E report as requested by RAAD's January 30, 2014 Request for Additional Information on or before the February 14, 2014 deadline.
4. Respondent failed to submit the amended January 31<sup>st</sup> R&E report by the February 14, 2014 deadline.
5. 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 20, 2014.
6. On March 7, 2014, Respondent submitted the amended January 31<sup>st</sup> R&E report.
7. On March 12, 2014, OCF called Respondent and left a voice message reminding him that he needed to submit an explanation for his failure to timely respond to RAAD's Request for Additional Information, or attend the March 20, 2014 scheduled hearing.
8. Respondent failed to appear for the scheduled March 20, 2014 hearing.
9. By Notice of Hearing, Statement of Violations and Order of Appearance dated March 20, 2014, OCF ordered Respondent to appear for a second scheduled hearing on April 3, 2014.
10. On March 27, 2014, OCF checked the United States Postal Services website and was informed that the second notice was "undeliverable" and returning to sender. OCF called Respondent who stated that he was no longer serving as the Treasurer and that OCF should contact Mr. Robert Zinsmeister. OCF informed Respondent that he needed to complete a Statement of Withdrawal of Position of Treasurer on or before Friday, April 4, 2014
11. On March 28, 2014, OCF called Mr. Zinsmeister who stated that he did not receive a hearing notice and was not aware that Respondent no longer wanted to be Treasurer. Mr. Zinsmeister also stated that ABC of Metro Washington Chapter had a new address.

12. On March 28, 2014, OCF requested that Mr. Zinsmeister or another authorized individual submit the following by April 4, 2014: (1) an amended Statement of Organization updating the committee's address; (2) a Statement of Acceptance of Treasurer should Respondent withdraw from the position; and (3) an explanation for failing to respond to RAAD's Request for Additional Information by the February 14, 2014 deadline.
13. On April 2, 2014, Mr. Zinsmeister called OCF and stated that Respondent wanted to remain Treasurer of the committee. OCF called Respondent and confirmed this information.
14. On April 4, 2014, OCF received the committee's amended Statement of Organization as well as a statement of explanation for failure to respond to RAAD's Request for Additional Information.
15. Mr. Zinsmeister provided a credible explanation for Respondent's failure to timely respond to RAAD's January 30, 2014 Request for Additional Information, in that the committee relocated before the end of 2013 and did not receive the request, constituting good cause for suspension of a fine.
16. 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 \$ 1,050 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. Mr. Zinsmeister provided a persuasive explanation for Respondent's failure to respond to RAAD's request, in that committee had a new address around the time RAAD submitted its request and the committee thought OCF already had its new address on file, constituting good cause for suspension of a fine.

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6. 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.

April 7, 2014  
Date

Lesley Brown  
Lesley Brown  
Hearing Officer

**Concurrence**

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

April 7, 2014  
Date

William O. Sanford  
William O. Sanford  
General Counsel

**ORDER OF THE DIRECTOR**

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

April 7, 2014  
Date

Cecily E. Collier-Montgomery  
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 Henry Gilford via regular mail at 6901 Muirkirk Meadows Drive, Suite F, Beltsville, MD 20705 and by electronic mail at hgilford@gilfordcorp.com on this 7<sup>th</sup> day of April 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 (16<sup>th</sup>) 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 14<sup>th</sup> Street NW, Suite 433, Washington, DC 20009.*