

**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
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IN THE MATTER OF)	Date: July 17, 2014
)	
Winifred Carson-Smith, Treasurer)	Docket No.: 14R-023
Carson-Smith for DNC)	
1937 11 th Street, NW)	
Washington, D.C. 20001)	

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), Winifred Carson-Smith, Treasurer for Carson-Smith for DNC principal campaign committee, failed to respond to RAAD’s Request for Additional Information dated April 28, 2014 by the May 13, 2014 deadline.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated May 28, 2014 and June 17, 2014, OCF ordered Winifred Carson-Smith (“Respondent”) to appear at scheduled hearings on June 18, 2014 and July 2, 2014 and show cause why Carson-Smith for DNC principal campaign committee 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 the committee’s 8 Day Pre-Primary Report of Receipts and Expenditures (“8 Day Pre-Primary report”) and determined that additional information was needed. On April 28, 2014, RAAD issued a Request for Additional Information requesting that Respondent submit the following by May 13, 2014: (1) an amended 8 Day Pre-Primary report Summary Page and (2) documentation substantiating a loan from the candidate to the committee. Respondent failed to respond to RAAD’s request by the stated deadline.

On June 17, 2014, Respondent emailed OCF explaining that she was out of town and could not attend the June 18, 2014 hearing. Respondent also stated in her email that she attended

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the OCF Entrance Conference on June 11, 2014 to learn how she should edit her report to comply with RAAD's request. On June 17, 2014, OCF issued a Second Notice of Hearing via regular, certified, and electronic mail to Respondent for a scheduled hearing for July 2, 2014.

On July 2, 2014, Respondent appeared at the scheduled hearing *pro se*. Zoe Artis, RAAD staff auditor, appeared on behalf of OCF. Ms. Artis testified, having been duly sworn, that Respondent failed to submit the required information stated in RAAD's April 28, 2014 Request for Additional Information by the May 13, 2014 deadline. Respondent testified, having been duly sworn, that she waited to address RAAD's request at the hearing because she did not understand what documents she needed to substantiate the loan agreement between herself and the committee. Ms. Artis explained that Respondent needed to provide a copy of the loan agreement and additional support documenting the funding source of the loan. Respondent testified that she extended her personal line of credit to provide a loan to herself to loan to the committee. Respondent clarified that the loan to the committee was a loan of credit and not a loan of cash. Ms. Artis testified that documentation of Respondent's credit line extension would be sufficient to verify the funding source of the loan. Respondent further testified that she hoped to obtain a better understanding of what documents she needed at the OCF Entrance Conference; however, she still had additional questions. Respondent explained that she waited to address these issues at the scheduled hearing to avoid providing RAAD with an incomplete submission. Respondent was reminded that she should contact RAAD whenever she has any questions and not wait for deadlines to pass.

Respondent completed the amended 8 Day Pre-Primary report Summary Page at the conclusion of the hearing. Respondent agreed to submit a copy of the loan agreement and a copy of the extended line of credit to RAAD by July 11, 2014.

Respondent failed to submit the required documents by the agreed upon deadline.

Findings of Fact

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

1. Respondent is the Treasurer for Carson-Smith for DNC principal campaign committee.
2. Respondent was required to submit additional documents as required by RAAD's April 28, 2014 Request for Additional Information on or before May 13, 2014.

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3. Respondent failed to respond to RAAD's request by May 13, 2014.
4. By Notices of Hearing, Statements of Violations and Orders of Appearance dated May 28, 2014 and June 17, 2014, OCF ordered Respondent to appear for scheduled hearings on June 18, 2014 and July 2, 2014.
5. On July 2, 2014, Respondent appeared at the scheduled hearing, submitted the amended 8 Day Pre-Primary Summary Page, and agreed to submit documents supporting the loan agreement between Respondent and the committee by July 11, 2014.
6. Respondent failed to submit the remaining documents by the agreed upon July 11, 2014 deadline.
7. Respondent failed to provide an explanation for breach of the July 2, 2014 agreement to submit the remaining documents by July 11, 2014.
8. Respondent has not satisfied RAAD's April 28, 2014 Request for Additional Information.

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 \$2,000.00 for failure to 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.

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Recommendation

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

July 17, 2014
Date

Lesley Brown
Lesley Brown
Hearing Officer

Concurrence

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

July 17, 2014
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

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

July 17, 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 Winifred Carson-Smith via certified and regular mail at 1937 11th Street, NW, Washington, DC 20001, and by electronic mail at wycarsonsmith@gmail.com this 17th day of July 2014.

2B _____

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.*