

**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

Donald Dinan, Treasurer
Bonds for Council 2014
221 9th Street, SE
Washington, D.C. 20003

) Date: September 8, 2014
)
) Docket No: 14R-031
)
)
)

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 Donald Dinan, Treasurer of the Bonds for Council 2014 Principal Campaign Committee, failed to provide response(s) to the Reports Analysis and Audit Division’s (“RAAD”) **Requests for Additional Information** (“RFAI”) dated June 18th and June 20th, 2014, in accordance with the Campaign Finance Act of 2011, D.C. Official Code § 1-1163.03(a)(1)(A) (2012).

By Notice of Hearing, Statement of Violations and Order of Appearance dated July 22, 2014, OCF ordered Donald Dinan, (“Respondent”), to appear at a scheduled hearing on August 5, 2014, and show cause why the Bonds for Council 2014 Principal Campaign Committee should not be found in violation of D.C. Official Code § 1-1163.03(a)(1)(A).

Summary of Evidence

On August 5, 2014, Respondent appeared at the scheduled hearing *pro se* along with Certified Public Accountant (“CPA”), Mr. Tim Day. Also present at the hearing was Staff Auditor Mark Wales of the Reports Analysis and Audit Division. Mr. Wales testified that Respondent was given until July 3, 2014 to submit responses to two separate RFAI’s. Mr. Wales testified that Respondent failed to timely respond to the RFAI’s. Mr. Wales further testified that he had met with Mr. Day several minutes prior to the hearing and had received several forms of evidence that were partially responsive to the June 18th and June 20th requests for additional information. Respondent testified that he did not refute the allegations that were made against the Committee and that he would do his best to provide OCF with the remaining evidence. Further, Respondent testified that the Committee’s delay in responding to the two RFAI requests in a timely manner was due in large part to the Committee’s CPA undergoing intensive medical treatment.

Respondent continued to work with OCF Staff Auditor Mark Wales, in an attempt to bring the Committee into compliance with the D.C. Official Code. Respondent was ultimately successful in providing Mr. Wales with all of the requested evidence.

Findings of Fact

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

1. Respondent is the Treasurer for the Bonds for Council 2014 Principal Campaign Committee.
2. By Notice of Hearing, Statement of Violations and Order of Appearance dated July 22, 2014, OCF ordered Respondent to appear for a scheduled hearing on August 5, 2014.
3. Respondent appeared at the August 5, 2014 hearing.
4. OCF Staff Auditor, Mark Wales, testified that Respondent failed to timely respond to the RFAI's dated June 18th and June 20th.
5. Respondent testified that he did not refute the allegations made against the Committee.
6. Respondent testified that the Committee's delay in responding to the RFAI in a timely manner was due in large part to the Committee's CPA undergoing extensive medical treatment, which is still ongoing.
7. Respondent continued to work with Mr. Wales in an attempt to satisfy the remaining requests and bring the Committee into compliance with the D.C. Official Code.
8. Respondent was ultimately successful in providing Mr. Wales with all of the requested evidence.

Conclusion 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).
2. The penalty established at 3 DCMR § 3711.2(q) for failure to file additional information requested by the Director is fifty dollars (\$50) a day.
3. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
4. Respondent testified that the Committee's delay in responding to the two RFAI requests in a timely manner was due in large part to the Committee's CPA undergoing intensive medical treatment.
5. Respondent does not have a history of failing to timely respond to RFAI requests.
6. Respondent has been cooperative with OCF staff in resolving this matter.
7. Under the given facts, Respondent may be fined a total of \$1,100.00.
8. Respondent's explanation for failure to timely respond to the RFAI's dated June 18th and June 20th constitutes good cause for suspension of a fine.

Recommendation

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

September 8, 2014
Date


Austin Franklin
Hearing Examiner

Concurrence

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

September 8, 2014
Date


William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

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

September 8, 2014
Date


Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** was served on Donald Dinan, Treasurer for The Bonds for Council 2014 principal campaign committee, via regular mail at 221 9th Street, SE, Washington, DC, 20003, on this 8th day of September, 2014.



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**, 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.*