

**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**

Date: September 29, 2014

Acqunetta Anderson, Treasurer )  
Anderson for DC Democratic National )  
Committeewoman )  
7247 15<sup>th</sup> Place, NW )  
Washington, DC 20012 )

Docket No.: 14R-045

**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), Acqunetta Anderson, Treasurer for Anderson for DC Democratic National Committeewoman principal campaign committee, failed to respond to RAAD’s Request for Additional Information dated July 16, 2014 by the July 31, 2014 deadline.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 4, 2014 and August 19, 2014, OCF ordered Acqunetta Anderson (“Respondent”) to appear at scheduled hearings on August 19, 2014 and September 9, 2014 and show cause why Anderson for DC Democratic National Committeewoman 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 June 10<sup>th</sup> Report of Receipts and Expenditures (“June 10<sup>th</sup> R&E report”) and determined that there was a discrepancy in the reporting of the beginning and ending cash balances. On July 16, 2014, RAAD issued a Request for Additional Information, by regular mail, requiring Respondent to submit an amended June 10<sup>th</sup> R&E report

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correcting the discrepancy by July 31, 2014. Respondent failed to submit the amended report by the stated deadline.

On August 13, 2014, Respondent appeared to OCF for another matter and explained that she would not be able to attend the August 19, 2014 hearing as stated in the Hearing Notice dated August 4, 2014. Respondent requested a hard copy of RAAD's July 16, 2014 Request for Additional Information which was provided that day. On August 19, 2014, OCF issued a second Hearing Notice to Respondent via regular, certified, and electronic mail.

On September 9, 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 an amended June 10<sup>th</sup> R&E report by RAAD's July 31, 2014 deadline and had not submitted the report as of the date of the hearing.

Respondent testified, having been duly sworn, that she did not receive all notices mailed to her home address due to an incorrect zip code. OCF records reflect that Respondent's zip code was listed at 20002 instead of 20012 on Respondent's online Filer profile. RAAD's July 16, 2014 Request for Additional Information and each Hearing Notice were addressed with the 20002 zip code; however, RAAD's request and the Hearing Notices did not return to OCF as undeliverable. The August 19, 2014 Hearing Notice, sent by certified mail, did return to OCF as "unclaimed" on September 15, 2014. Respondent also indicated that she did not receive the Hearing Notices electronically submitted to [info@andersonnationalcommitteewoman.com](mailto:info@andersonnationalcommitteewoman.com) and [ancya01@gmail.com](mailto:ancya01@gmail.com). Respondent explained that she deactivated the committee's email address, [info@andersonnationalcommitteewoman.com](mailto:info@andersonnationalcommitteewoman.com), and she clarified that her personal email address listed was incorrect and should have been [anc4a01@gmail.com](mailto:anc4a01@gmail.com). Neither Hearing Notices submitted by electronic mail to both addresses returned as undeliverable. Respondent further testified that she only used the committee's address, not her personal address, for campaign purposes.

Additionally, Respondent explained that a computer virus impacting all of the committee's files delayed her filing of the original June 10<sup>th</sup> R&E report. Respondent further testified that she attempted to electronically file an amended June 10<sup>th</sup> R&E report on the day of the hearing; however, the online system would not allow her to submit the changes. Respondent explained that she filed an amended Termination report on September 9, 2014 in lieu of filing the amended June 10<sup>th</sup> R&E report. Ms. Artis confirmed that Respondent filed an amended Termination report; however, Ms. Artis explained that Respondent still needed to file an

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amended June 10<sup>th</sup> R&E report correcting the beginning and ending cash balances. Respondent agreed to file the amended June 10<sup>th</sup> R&E report by September 12, 2014.

On September 12, 2014, Respondent electronically filed the amended June 10<sup>th</sup> R&E report. Upon review, RAAD determined that Respondent would need to file a second amended June 10<sup>th</sup> R&E report given that Respondent did not (1) report any expenditures; rather, Respondent included all expenditures during the June 10<sup>th</sup> reporting period on the Termination report; (2) report an in-kind contribution on both Schedules A and B; and (3) did not report candidate contributions to the committee on the correct Schedule section. On September 17, 2014, OCF emailed Respondent regarding these issues and requested that Respondent submit a second amended June 10<sup>th</sup> R&E report by September 24, 2014.

On September 23, 2014, Respondent electronically filed a second amended June 10<sup>th</sup> R&E report. Upon review, RAAD determined that the amended report satisfied RAAD's Request for Additional Information dated July 16, 2014.

**Findings of Fact**

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

1. Respondent is the Treasurer for Anderson for DC Democratic National Committeewoman principal campaign committee.
2. Respondent was required to submit additional documents requested in RAAD's July 16, 2014 Request for Additional Information by July 31, 2014.
3. Respondent failed to submit an amended report by the stated deadline.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated August 4, 2014, OCF ordered Respondent to appear for a scheduled hearing on August 19, 2014.
5. On August 13, 2014, Respondent appeared to OCF for another matter; explained that she would not be able to attend the August 19, 2014 hearing; and requested a copy of RAAD's July 16, 2014 Request for Additional Information.

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6. By Notice of Hearing, Statement of Violations and Order of Appearance dated August 19, 2014, OCF ordered Respondent to appear for a scheduled hearing on September 9, 2014.
7. The Hearing Notices and RAAD's request did not return to OCF as undeliverable.
8. On September 9, 2014, Respondent appeared for the scheduled hearing and agreed to file an amended June 10<sup>th</sup> R&E report by September 12, 2014.
9. Respondent testified that she did not receive all notices sent to her home address due to an incorrect zip code nor did she receive notices that were emailed given that she deactivated the committee's address and her personal email address on file was incorrect.
10. Respondent further testified that she encountered a computer virus that delayed her filing of the original June 10<sup>th</sup> R&E report and attempted to file the amended June 10<sup>th</sup> R&E report; however, the online system would not allow her to make any changes so she filed an amended Termination Report instead on September 9, 2014.
11. Respondent's testimony warrants good cause for suspension of a fine.
12. On September 12, 2014, Respondent filed the amended June 10<sup>th</sup> R&E report.
13. On September 15, 2014, the August 19, 2014 Hearing Notice, sent by certified mail, returned to OCF as "unclaimed."
14. On September 17, 2014, OCF requested Respondent submit a second amended June 10<sup>th</sup> R&E report by September 24, 2014 after RAAD determined that the amended June 10<sup>th</sup> R&E report was insufficient.
15. On September 23, 2014, Respondent electronically filed a second amended R&E report.
16. Respondent satisfied RAAD's Request for Additional Information dated July 16, 2014.

**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 \$1,850.00 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.
5. Respondent provided credible testimony regarding her failure to respond given that she encountered a computer virus which delayed her original filing of the June 10<sup>th</sup> R&E report and she had difficulty submitting the amended report online. Furthermore, Respondent timely complied with deadlines established during the September 16, 2014 hearing and deadlines established subsequent to the hearing.
6. Respondent's testimony constitutes good cause for suspension of a fine.
7. Respondent satisfied RAAD's Request for Additional Information dated July 16, 2014.

**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 29, 2014

**Date**

Lesley Brown

**Lesley Brown  
Hearing Officer**

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**Concurrence**

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

September 29, 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.

September 29, 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 Acquetta Anderson via regular mail at 7247 15<sup>th</sup> Place, NW, Washington, DC 20012, and by electronic mail at anc4a01@gmail.com on this 27<sup>th</sup> day of September 2014.

JB

**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.