

**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

Bruce Majors, Treasurer
Bruce Majors, Libertarian for Mayor
1200 23rd Street, NW, #711
Washington, DC 20037

) Date: September 29, 2014
)
)

) Docket No.: 14R-047
)
)

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), Bruce Majors, Treasurer for Bruce Majors, Libertarian for Mayor principal campaign committee, failed to respond to RAAD’s Request for Additional Information dated July 25, 2014 by the August 9, 2014 deadline.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 20, 2014 and September 9, 2014, OCF ordered Bruce Majors (“Respondent”) to appear at scheduled hearings on September 9, 2014 and September 25, 2014 and show cause why Bruce Majors, Libertarian for Mayor 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

The August 20, 2014 Hearing Notice was submitted to Respondent via regular and electronic mail. Furthermore, the September 9, 2014 Hearing Notice was submitted to Respondent via regular, certified, and electronic mail. Additionally, the mailed Hearing Notices and the electronic Hearing Notices did not return as undeliverable. Therefore, it is presumed that Respondent had adequate notice of the scheduled hearings.

RAAD conducted a desk review of the committee’s amended January 31, 2014, March 10, 2014, 8 Day Pre-Primary 2014, and June 10, 2014 Reports of Receipts and Expenditures (“January 31st R&E report, March 10th R&E report, 8 Day Pre-Primary R&E report, and June

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10th R&E report”) and determined that the amended January 31st R&E report reflected a negative ending cash balance. On July 25, 2014, RAAD issued, by regular mail, a Request for Additional Information requiring Respondent to file a third amended January 31st R&E report correcting this discrepancy. Because the March 10th, 8 Day Pre-Primary, and June 10th Reports of Receipts and Expenditures were filed subsequent to the January 31st R&E report, RAAD also requested that Respondent file a third amended March 10th R&E report, an amended 8 Day Pre-Primary R&E report, and a fourth amended June 10th R&E report. RAAD requested that Respondent file all four amended reports by August 9, 2014. Respondent failed to file the amended reports by the stated deadline.

On August 20, 2014, Respondent electronically filed the third amended January 31st R&E report; however, Respondent failed to file the remaining three requested amended reports. Respondent failed to appear for the September 9, 2014 hearing and OCF issued a second Hearing Notice on September 9, 2014, by regular, certified, and electronic mail, requesting that Respondent appear for a second hearing on September 25, 2014.

On September 12, 2014, three days after OCF submitted the second Hearing Notice, Respondent emailed OCF regarding a complaint he had unrelated to the issues addressed in RAAD’s July 25, 2014 Request for Additional Information. The email address Respondent contacted OCF with on September 12, 2014 was the same email address OCF electronically submitted its August 20, 2014 and September 9, 2014 Hearing Notices to Respondent.

On September 25, 2014, Respondent failed to appear for the scheduled hearing; however, a hearing was held for the record regarding the facts of this matter. Zoe Artis, RAAD staff auditor, appeared on behalf of OCF. Ms. Artis testified, having been duly sworn, that RAAD issued a Request for Additional Information dated July 25, 2014 requesting that Respondent file four amended reports by August 9, 2014. Ms. Artis further testified that Respondent filed an amended January 31st R&E report on August 20, 2014 which she determined was sufficient. However, Ms. Artis stated that Respondent had not submitted an amended March 10th R&E report, an amended 8 Day Pre-Primary R&E report, and an amended June 10th R&E report.

To date, Respondent has not submitted the remaining three amended reports. Additionally, Respondent has not provided OCF with an explanation for this delinquency. Respondent has not satisfied RAAD’s Request for Additional Information dated July 25, 2014.

Findings of Fact

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

1. Respondent is the Treasurer for Bruce Majors, Libertarian for Mayor principal campaign committee.
2. Respondent was required to file four amended Reports of Receipts and Expenditures requested in RAAD's July 25, 2014 Request for Additional Information by August 9, 2014.
3. Respondent failed to file the amended reports by the stated deadline.
4. By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 20, 2014 and September 9, 2014, OCF ordered Respondent to appear for scheduled hearings on September 9, 2014 and September 25, 2014.
5. The August 20, 2014 Hearing Notice was submitted by regular and electronic mail.
6. The September 9, 2014 Hearing Notice was submitted by regular, certified, and electronic mail.
7. On August 20, 2014, Respondent electronically filed an amended January 31st R&E report; however, Respondent failed to file the amended March 10th, 8 Day Pre-Primary, and June 10th Reports of Receipts and Expenditures.
8. On September 12, 2014, Respondent emailed OCF regarding an unrelated matter.
9. On September 25, 2014, Respondent failed to appear for the second hearing; however, a hearing was held for the record. During the hearing, Ms. Artis determined that the August 20, 2014 submission of the amended January 31st R&E report was sufficient; however, Respondent had not filed the amended March 10th, 8 Day Pre-Primary, and June 10th Reports of Receipts and Expenditures.
10. To date, Respondent has failed to file the amended March 10th, 8 Day Pre-Primary, and June 10th Reports of Receipts and Expenditures.

11. The amended March 10th, 8 Day Pre-Primary, and June 10th Reports of Receipts and Expenditures were due on August 9, 2014 and are currently thirty-four (34) days late.
12. Respondent has not satisfied RAAD's July 25, 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. The amended March 10th, 8 Day Pre-Primary, and June 10th Reports of Receipts and Expenditures were due on August 9, 2014 and are currently thirty-four (34) days late.
4. Respondent may be fined a maximum penalty of \$1,700.00 for failure to file additional information.
5. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent has failed to satisfy RAAD's July 25, 2014 Request for Additional Information and has failed to provide an explanation for this delinquency.

Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director impose a fine of \$1,700.00 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 of \$1,700.00 is imposed 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 Bruce Majors via regular and certified mail at 1200 23rd Street, NW, #711, Washington, DC 20037, and by electronic mail at majors.bruce@gmail.com on this 28th day of September 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*.