

**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
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IN THE MATTER OF)	Date: January 13, 2015
)	
Acqunetta Anderson, Treasurer)	Docket No: 14R-055
Acqunetta Anderson for DC National)	
Committeewoman)	
7247 15th Street, NW)	
Washington, DC 20012)	

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 **ACQUNETTA ANDERSON**, Treasurer of the Acqunetta Anderson for DC National Committeewoman Principal Campaign Committee (“committee”) made expenditures in excess of expenditure limitations in violation of the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.08(a) and (b) (2012) and the District of Columbia Municipal Regulations, 3 DCMR § 3010.3(b) (August 2013).

By Notices of Hearing, Statement of Violations and Order of Appearance dated October 28, 2014, OCF ordered Acqunetta Anderson (“Respondent”) to appear at a scheduled hearing November 7, 2014 and show cause why the committee should not be found in violation of the D.C. Official Code § 1-1163.08(a) and (b) and 3 DCMR § § 3010.3(b) and fined accordingly.

Summary of Evidence

On November 7, 2014, Respondent appeared pro se to answer to the allegations referenced above. Dwayne Gilliam (“Mr. Gilliam”), Supervisory Auditor appeared on behalf of the Office of Campaign Finance. The statement of charges read that Respondent made expenditures in excess of expenditure limitations in violation of the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.08(a) and (b) (2012) and the District of Columbia Municipal Regulations, 3 DCMR § 3010.3(b) (August 2013).

On October 24, 2014, Audit referred the committee for an informal hearing for possible violation of making expenditures in excess of the expenditure limitation. Mr. Gilliam testified that a review of the committee’s Amended June 10th Report of Receipts and Expenditures filed September 23, 2014, revealed that Respondent reported twenty-two (22) expenditures in excess of the expenditure limitations on Schedule B, Itemized Expenditures. Respondent testified that she was unaware of the expenditure limitations. Respondent further testified that she overstated each of the 22 expenditure amounts. Respondent produced documentation to substantiate her claim. A review of Respondent’s documentation revealed that Respondent had made an accounting error that required adjustments to each reported expenditure.

Mr. Gilliam advised Respondent to file an Amended June 10th Report with the necessary adjustments to each expenditure amount reported. Considering the forthcoming expenditure adjustment, Respondent remains in violation of making expenditures in excess of the expenditure limitations. Given that, Respondent was extended the opportunity to make best efforts to recover all expenditures in excess of the expenditure limitations by December 5, 2014. In addition, Respondent was required to provide written documentation of her efforts to recover the funds from each recipient by November 14, 2014. Finally, Respondent was required to file an Amended June 10th Report with the recommended adjustments to Schedule B, Itemized Expenditures and any other applicable adjustments upon receipt of returned funds. Finally, Respondent was required to file an Amended June 10th Report by December 8, 2014.

On November 14, 2014, Respondent submitted sufficient written documentation in support of her efforts to recover the overpaid funds from each recipient. Respondent filed the Amended June 10th Report on December 7, 2014. Respondent has provided good cause to mitigate any civil penalties in this matter.

Findings of Fact

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

1. Respondent is the treasurer of the Acquetta Anderson for DC National Committeewoman Principal Campaign Committee.
2. On October 24, 2014, Audit referred the committee for an informal hearing following a determination that the committee reported twenty-two (22) expenditures that exceeded expenditure limitations on Schedule B (Itemized Expenditures) of its Amended June 10th Report filed on September 23, 2014.
3. By Notice of Hearing, Statement of Violations and Order of Appearance dated October 28, 2014, OCF ordered Respondent to appear at a scheduled hearing on November 7, 2014.
4. Respondent provided a credible explanation for making/reporting expenditures in excess of expenditure limitations, in that Respondent was unaware of the expenditure limitations and mistakenly overstated each of the 22 expenditures.
5. Respondent produced credible documentation to substantiate a reduction to those expenditures reported in the amount of \$71.00 to \$61.00; however, still excessive.
6. As requested, on November 14, 2014 Respondent provided sufficient written documentation to show best efforts to recover all monies in excess of the expenditure limitations.
7. As of December 5, 2014, Respondent waited a reasonable amount of time to recover monies in excess of the expenditure limitations.
8. On December 7, 2014, Respondent filed the required Amended June 10th Report and a Termination Report (approval pending).

Conclusion of Law

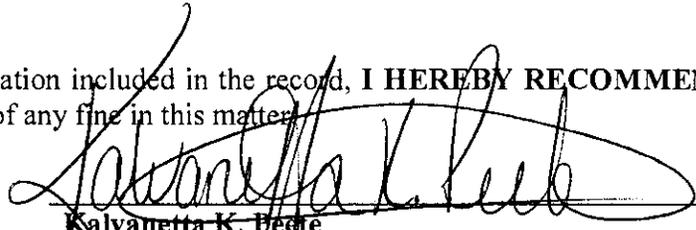
Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code § 1-1163.08(a) and (b) and 3 DCMR § 3011.
2. 3 DCMR § 3711.1 provides that, “[u]pon a determination... that a violation has occurred, the Director may ministerially impose fines upon the offending party”.
3. 3 DCMR § 3711.2(v) establishes a one thousand dollar (\$1,000) fine for making a expenditure in excess of contribution limitations.
4. Pursuant to 3 DCMR § 3711.2(v), Respondent may be fined one thousand dollars (\$1,000), up to a maximum of \$2,000, pursuant to D.C. Official Code § 1-1163.35(3).
5. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance may modify, rescind, dismiss or suspend any fine.
6. The committee reported twenty-two (22) expenditures that exceeded expenditure limitations on Schedule B (Itemized Expenditures) of its Amended June 10th Report filed on September 23, 2014.
7. Respondent provided a credible explanation for making/reporting expenditures in excess of expenditure limitations, in that Respondent was unaware of the expenditure limitation rules, and therefore, Respondent reported the actual expenditure amounts.
8. Respondent produced credible documentation to substantiate a reduction to those expenditures reported in the amount of \$71.00 to \$61.00; however, still excessive.
9. As requested, on November 14, 2014 Respondent provided sufficient written documentation to show best efforts to recover all monies in excess of the expenditure limitations.
10. As of December 5, 2014, Respondent waited a reasonable amount of time to recover monies in excess of the expenditure limitations.
11. On December 7, 2014, Respondent filed the required Amended June 10th Report and a Termination Report (approval pending).

Recommendation

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

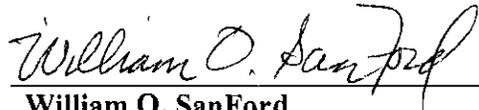
January 13, 2015
Date


Kalvanetta K. Peete
Hearing Officer

Concurrence

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

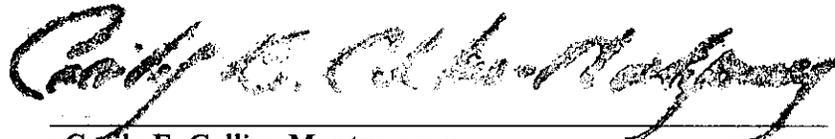
January 13, 2015
Date


William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

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

January 13, 2015
Date


Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the ORDER has been served on Acquetta Anderson, Treasurer, via regular at 7247 15th Street, NW, Washington, DC 20012 on this 15th day of January, 2015.

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above a horizontal line.

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.*