

**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
(202) 671-0547**

IN THE MATTER OF)	DATE: June 12, 2015
)	
The Honorable Barbara Clark)	DOCKET No.: 15A-015
Candidate, ANC 8A02)	
1620 Ridge Place, SE)	
Washington, DC 20020)	

ORDER

This matter came before the Office of Campaign Finance (OCF), Office of the General Counsel, following a determination by its Public Information and Records Management Division, that pursuant to 3DCMR §3002.6 (March 2015), Barbara Clark, Candidate, ANC 8A02, failed to timely file, a Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (ANC Summary Financial Statement) for the 2014 General Election, on or before March 16, 2015, the OCF sanctioned extended filing deadline.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated April 17, 2015 and April 30, 2015, OCF ordered Barbara Clark (hereinafter respondent), to appear at scheduled hearings on April 29, 2015 and May 12, 2015, and show cause why she should not be found in violation of Title 3, District of Columbia Municipal Regulations, §3002.6, and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the required ANC Summary Financial Statement for the 2014 General Election, on or before March 16, 2015.

On April 30, 2015, the respondent emailed the Hearing Officer to inform that her mother had been hospitalized four (4) times this year, and that she died on the previous Friday (April 24, 2015). Respondent stated that she has not been able to attend ANC meetings due to her mother's ill health. On May 1, 2015, the Hearing Officer emailed the respondent to extend her condolences and to request that respondent contact the Hearing Officer no later than Friday, May 15, 2015 to attempt to resolve the outstanding matter

fairly and equitably. On May 4, 2015, the respondent contacted OCF by telephone, apparently very upset, whereupon she left a message that her mother had died and requested a return call regarding the summons she received. On May 5, 2015, the Hearing Officer returned respondent's call; advised of her knowledge of her mother's death; and granted an extension of time to file the required ANC report by May 15, 2015. To date, OCF has no record of receipt of respondent's ANC Summary Financial Statement.

Findings of Fact

1. Respondent ran as a candidate for ANC Commissioner of SMD 8A02 in the 2014 General Election.
2. Respondent was required to file an ANC Summary Financial Statement with OCF on or before March 16, 2015.
3. Respondent has a history of a prior filing delinquency.
4. Respondent to date has failed to file the required ANC Summary Financial Statement with OCF.
5. Respondent is not in compliance with applicable regulation(s).

Conclusions of Law

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

1. Respondent violated 3DCMR §3002.6.
2. The penalty established at 3DCMR §3711.2(s) for failure to timely file an ANC Summary Financial Statement, as required by 3DCMR §3002.6, is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1163.35(a)(1), the respondent may be fined \$2,000.00 for failing to timely file an ANC Summary Financial Statement.
4. For good cause shown pursuant to 3DCMR §3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

5. Respondent has failed to file the required ANC Summary Financial Statement.

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; and suspend such fine upon receipt of the required ANC Summary Financial Statement within five (5) days of receipt of this Order.

June 12, 2015
Date

Jean Scott Diggs
Jean Scott Diggs
Senior Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

June 12, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$2,000.00 is hereby imposed in this matter; and that such fine shall be suspended upon receipt of the required ANC Summary Financial Statement within five (5) days of receipt of this Order.

June 12, 2015
Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

This is to certify that I have served a true copy of the foregoing Order on The Honorable Barbara Clark by regular and certified mail at 1620 Ridge Place, SE, Washington, DC 20020 and by electronic mail at pmbclark@yahoo.com on June 12, 2015.

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NOTICE

Any party adversely affected by any Order of the Director may: (1) file a Motion for Reconsideration (Motion) with OCF within five (5) days after receipt of an Order, provided that, relevant evidence was omitted from consideration at hearing (3DCMR §3709.13); or (2) obtain review of the Order by filing, a request for a **hearing de novo** with the Board of Elections, within (15) days from the date of issuance of an Order. Any fine imposed by the Director, pursuant to 3 DCMR §3711.2 shall become effective on the 16th day following the issuance of a decision and/or Order; provided that, the Respondent does not request a **hearing de novo**, pursuant to §3709.11. Fines imposed shall be paid within ten (10) days of the effective date of the issued Order of the Director. Make a payment by check or money order payable to the District of Columbia Treasurer. Send payment to the *Office of Campaign Finance*, Frank D. Reeves Municipal Building, 2000 14th Street NW, Suite 433, Washington, D.C. 20009.