

**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
Fax: (202) 671-0658**

IN THE MATTER OF)
)
Beverley Wheeler for Ward 1) Date: April 30, 2015
Beverley Wheeler, Treasurer)
3527 Tenth Street, NW) Docket No: 15C-018
Washington, DC 20010)

ORDER

Statement of the Case

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 the Campaign Finance Act of 2011, District of Columbia Official Code § 1-1163.09(b) (2015) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (January 2015), **BEVERLEY WHEELER**, Treasurer of the Beverley Wheeler for Ward 1 Principal Campaign Committee (“committee”), failed to timely file the January 31st Report of Receipts and Expenditures that was due by the extended deadline date of February 20, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 6, 2015, OCF ordered Beverley Wheeler (“Respondent”) to appear at a scheduled hearing on March 18, 2015 and show cause why the committee should not be found in violation of the D.C. Official Code § 1-1163.09(b) (2015) and 3 DCMR § 3017.2 (January 2015), and fined accordingly.

Summary of Evidence

On January 13, 2015, the Public Information and Records Management (“PIRM”) Division mailed a reminder letter to the Respondent that reminded Respondent to file the January 31st Report of Receipts and Expenditures (“R&E Report”) on Monday, February 2, 2015. Respondent did not file the R&E Report on February 2, 2015. Therefore, PIRM mailed a non-compliance letter to the Respondent on February 10, 2015 that advised Respondent to file the R&E Report by the extended filing date of February 20, 2015. Again, the Respondent did not file the R&E Report by the extended filing date.

On March 18, 2015, Respondent appeared pro se to answer to the above allegation(s). Sonya Lake, Public Affairs Specialist appeared on behalf of the Office of Campaign Finance. Ms. Lake testified that Respondent failed to timely file the January 31st Report by the extended filing date of February 20, 2015, in violation of the Campaign Finance Act of 2011 (2012), District of Columbia Official Code § 1-1163.09(b) (2015) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (January 2015).

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Respondent testified that around January 2, 2014, she submitted a letter to the Board of Elections announcing her withdrawal from the election. Thus, Respondent assumed that she had properly terminated her committee and any further reporting requirements. Respondent further testified that she discontinued the committee's post office box service and deactivated the committee's email address. Respondent explained that sometime in September 2014, she began communicating with the OCF, Audit Division to address multiple accounting discrepancies reported on prior reports that had been filed with OCF. Respondent further explained that she assumed that she was unable to file future reports, including a termination report until the previously filed reports had been corrected. Most importantly, Respondent explained that she had been caring for two family members with continuous medical issues that required her constant attention. As a result, Respondent had been unable to focus her attention on reporting matters with OCF.

Based on Respondent's testimony, Respondent was granted another extension to file the January 31st Report by April 3, 2015. On April 3, 2015, Respondent did not file the R&E Report, which is now thirty (30) days past due of the original extended filing date of February 20, 2015. Respondent has a history of delinquent filings and the committee remains in noncompliance with its filing obligations.

Findings of Fact

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

1. Respondent is the treasurer of the Beverley Wheeler for Ward 1 Principal Campaign Committee.
2. Respondent was required to file the January 31st Report by the extended filing date of February 20, 2015.
3. On January 13, 2015, PIRM mailed a reminder letter to the Respondent, reminding to file the January 31st Report on Monday, February 2, 2015. Respondent failed to file.
4. On February 10, 2015, PIRM mailed a noncompliance letter to the Respondent that advised the Respondent to file the Report by the extended filing date of February 20, 2015. Respondent failed to timely file.
5. By Notice of Hearing, Statement of Violations and Order of Appearance dated March 6, 2015, the Respondent was ordered to appear at a scheduled hearing on March 18, 2015.
6. Respondent provided an explanation for the untimely filing, in that Respondent assumed that she had properly terminated her committee and any further reporting requirements via a written withdrawal notice to the Board of Election in January 2014.
7. Respondent also explained that she had been caring for two family members with continuous medical issues that required her constant attention. As a result, Respondent had been unable to focus her attention on reporting matters with OCF.

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8. Respondent was granted another extension to file the January 31st Report by April 3, 2015; however, Respondent failed to file the R&E Report, which is now thirty (30) days past the original extended file date of February 20, 2015.
9. Respondent has a history of delinquent filings and the committee remains in noncompliance of its filing obligations.

Conclusions of Law

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

1. Respondent violated D.C. Official Code § 1-1163.09)(b) (2015) and 3 DCMR § 3017.2 (January 2015).
2. 3 DCMR § 3711.2(f) establishes a fifty dollar (\$50) fine for failure to timely file a Report of Receipts and Expenditures.
3. 3 DCMR § 3711.1 maintains that a fine shall attach for each day of noncompliance; up to a maximum of \$1,500, pursuant to D.C. Official Code § 1-1163.35(a)(3).
4. The Director may ministerially impose fines upon the candidate, treasurer, committee, or designated agent, pursuant to 3 DCMR § 3711.1
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 was required to the January 31st Report by the extended filing date of February 20, 2015.
7. On January 13, 2015, PIRM mailed a reminder letter to the Respondent, reminding to file the January 31st Report on Monday, February 2, 2015. Respondent failed to file.
8. On February 10, 2015, PIRM mailed a noncompliance letter to the Respondent that advised the Respondent to file the Report by the extended filing date of February 20, 2015. Respondent failed to timely file.
9. By Notice of Hearing, Statement of Violations and Order of Appearance dated March 6, 2015, the Respondent was ordered to appear at a scheduled hearing on March 18, 2015.
10. Respondent provided an explanation for the untimely filing, in that Respondent assumed that she had properly terminated her committee and any further reporting requirements via a written withdrawal notice to the Board of Election in January 2014.
11. Respondent also explained that she had been caring for two family members with continuous medical issues that required her constant attention. As a result, Respondent had been unable to focus her attention on reporting matters with OCF.

12. Respondent was granted another extension to file the January 31st Report by April 3, 2015; however, Respondent failed to file the R&E Report by April 3, 2015, which is now thirty (30) days past the original extended file date of February 20, 2015.
13. Respondent has a history of delinquent filings and the committee remains in noncompliance of its filing obligations.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director impose a fine of \$1,500 against the candidate Beverley Wheeler.

April 30, 2015
Date

Kalvanetta K. Beete
Kalvanetta K. Beete
Hearing Officer

Concurrence

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

April 30, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

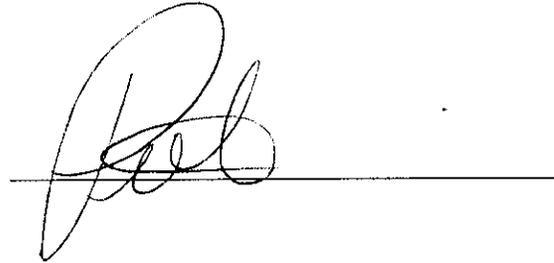
IT IS ORDERED that a fine of \$1,500 shall be imposed against the candidate Beverley Wheeler.

April 30, 2015
Date

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

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** has been served on Beverley Wheeler, Treasurer, via regular and certified mail at 3527 Tenth Street, NW, Washington DC 20010 on this 30th day of April, 2015.



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*.