

**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: June 16, 2015
)	
Acquetta Anderson, Treasurer/Candidate)	
Anderson Ward 4 Council)	
7247 15 th Place, NW)	
Washington, DC 20012)	Docket No.: 15C-043

ORDER

Statement of 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 (“PIRM”) that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.09(b) (2015) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (January 2015), Acquetta Anderson, Treasurer and Candidate for Anderson Ward 4 Council principal campaign committee, failed to timely file the 8 Day Pre-Special Election Report of Receipts and Expenditures (“8 Day Pre-Special Election R&E report”), which was due on or before April 20, 2015.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated May 1, 2015 and May 21, 2015, the OCF ordered Acquetta Anderson (“Respondent”) to appear for scheduled hearings on May 20, 2015 and June 10, 2015 and show cause why she should not be found in violation of the Campaign Finance Act of 2011 and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

The OCF submitted Hearing Notices to Respondent on May 1, 2015 and May 21, 2015 to appear for hearings scheduled for May 20, 2015 and June 10, 2015. The Hearing Notice dated May 1, 2015 was submitted by regular and electronic mail to Respondent’s address on record. The Hearing Notice dated May 21, 2015 was submitted by regular, certified, and electronic mail to Respondent’s address on record.

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On June 10, 2015, Respondent appeared for the scheduled hearing *pro se*. Ms. Sonya Lake, Public Affairs Specialist, appeared on behalf of the OCF. Ms. Lake testified, having been duly sworn, that Respondent failed to file the 8 Day Pre-Special Election R&E report by the April 20, 2015 deadline.

Respondent testified, having been duly sworn, that she filed the 8 Day Pre-Special Election R&E report the day of the hearing. Respondent further testified that she did not receive the reminder notice for the 8 Day Pre-Special Election R&E report filing. Respondent was advised that the reminder notices are a courtesy and the OCF filing schedule is available on the OCF website. Additionally, Respondent explained that she encountered a delay with filing the report when her dog ate Staples expenditure receipts that Respondent needed to record on the 8 Day Pre-Special Election R&E report. Respondent further testified that she went to Staples to retrieve copies of the receipts. Respondent was advised to contact the OCF whenever she encountered difficulty with filing a report instead of waiting for filing deadlines to pass.

Upon review, Respondent's 8 Day Pre-Special Election R&E report reflected a total of four expenditures where three of the expenditures were from Staples. Respondent does not have a prior history of delinquent filings with this committee and is currently in compliance with the 8 Day Pre-Special Election R&E report.

Findings of Fact

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

1. Respondent Acquetta Anderson is the Treasurer and Candidate for Anderson Ward 4 Council principal campaign committee.
2. Respondent was required to file the 8 Day Pre-Special Election R&E report on or before April 20, 2015.
3. Respondent failed to file the 8 Day Pre-Special Election R&E report on or before April 20, 2015.
4. By Notices of Hearing, Statements of Violations and Orders of Appearance dated May 1, 2015 and May 21, 2015, the OCF ordered Respondent to appear for scheduled hearings on May 20, 2015 and June 10, 2015.
5. On June 10, 2015, Respondent filed the 8 Day Pre-Special Election R&E report and attended the scheduled hearing.
6. The 8 Day Pre-Special Election R&E report was thirty-six (36) days late.

7. Respondent testified at the hearing that she did not file the R&E report on time because she did not receive the reminder notice for the filing; her dog ate the committee's expenditure receipts; and she had to retrieve the receipts from Staples.
8. Respondent's 8 Day Pre-Special Election R&E report reflect four expenditures three of which were expenditures made at Staples.
9. Respondent does not have a prior history of delinquent R&E report filings with this committee.
10. Respondent is in compliance with the 8 Day Pre-Special Election R&E report.

Conclusions of Law

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

11. Respondent violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2.
12. The penalty established by 3 DCMR § 3711.2(f) for failure to file a Report of Receipts and Expenditures with OCF, as required by D.C. Official Code § 1-1163.09(b), is a fine of \$50.00 per day for each business day subsequent to the due date, up to \$4,000 for the first offense and not more than \$10,000 for the second and each subsequent offense. DC Official Code § 1-1163.35(a)(2)(A) (2015).
13. Respondent's 8 Day Pre-Special Election R&E report was thirty-six (36) days late.
14. Respondent may be fined a maximum fine of \$1,800.00 for failing to timely file a R&E report with OCF.
15. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
16. Respondent provided credible testimony for the untimely filing given that she did not receive the reminder notice and had to retrieve the committee's store expenditures when her original receipts were destroyed.
17. Respondent does not have a prior history of delinquent filings with this committee.
18. Respondent has provided good cause for suspension of a fine.
19. Respondent is currently in compliance with the 8 Day Pre-Special Election R&E report filing.

Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director suspend a \$1,800.00 fine against Respondent Acquetta Anderson, Treasurer and Candidate.

June 16, 2015
Date

Lesley Brown
Lesley Brown
Hearing Officer

Concurrence

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

June 16, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the \$1,800.00 fine imposed against Respondent Acquetta Anderson, Treasurer and Candidate, is suspended.

June 16, 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 Acquetta Anderson, Treasurer/Candidate, via regular mail at 7247 15th Place, NW, Washington, DC 20012 and via electronic mail at atanderson2@gmail.com on this 16th day of June 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*.