

**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)	Date: October 28, 2015
)	
Barry for Council)	Docket No: 15C-060
Treasurer Robert James)	
3331 5 th Street, SE)	
Washington, D.C. 20032)	

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) (2012) and District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (August 2013), Treasurer, Robert James of the **Barry for Council** principal campaign committee failed to file the August 10th Report of Receipts and Expenditures (“R&E report”), which was due by August 10, 2015, the OCF sanctioned deadline.

By Notice of Hearing, Statement of Violations and Order of Appearance dated September 18, 2015, OCF ordered Robert James (“Respondent”), to appear at a scheduled hearing on September 22, 2015, and show cause why he should not be found in violation of D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

On September 22, 2015, Respondent appeared at the scheduled hearing *pro se*. Legal Instrument Examiner, Laura McQueen appeared on behalf of the OCF. Mrs. McQueen testified that Respondent failed to file the August 10th R&E report, which was due on August 10, 2015 in accordance with D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2.

Respondent testified that he was aware that the August 10th R&E report was not filed. He stated that he is unable to file the August 10th R&E report because he is currently unable to obtain a complete and accurate copy of the committee’s financial records. Respondent testified that he has made several attempts to contact other members of the committee in hopes of receiving the committee’s most recent account activity but has been unsuccessful. The committee is not in compliance with the D.C. Official Code.

Findings of Fact

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

1. Respondent is the Treasurer for the Barry for Council principal campaign committee.
2. The Committee was required to file the August 10th Report of Receipts and Expenditures, which was due on August 10, 2015, the OCF sanctioned deadline.
3. The Committee has failed to file the August 10th R&E report with OCF.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated September 18, 2015, OCF ordered Respondent to appear for a scheduled hearing on September 22, 2015.
5. Respondent appeared before OCF at the September 22, 2015 hearing.
6. Respondent concedes the fact that his committee has not filed the August 10th R&E report with OCF.
7. Respondent stated that he is unable to file the August 10th R&E report because he is currently unable to obtain a complete and accurate copy of the committee's financial records.
8. Respondent testified that he has made several unsuccessful attempts to contact other members of the committee in hopes of receiving the committee's most recent account activity.
9. The Committee is not in compliance with applicable regulation(s).

Conclusion of Law

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

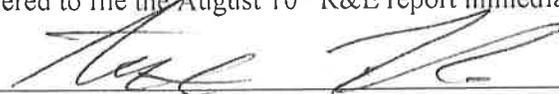
1. The Committee violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3403.2.
2. The penalty established by 3 DCMR § 3711.2(f) for failure to file a Report of Receipts and Expenditures with OCF, as required by D.C. Official Code § 1-1163.09(b), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. Under the given facts, the Committee may be fined a total of \$1,500.00.
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent has failed to file the August 10th R&E report with OCF.
6. Respondent's committee is not in compliance with the filing requirements set forth in D.C. Official Code section 1-1163.09(b).

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Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director impose a fine in this matter of \$1,500.00 against the Barry for Council principal campaign committee. The committee is ordered to file the August 10th R&E report immediately.

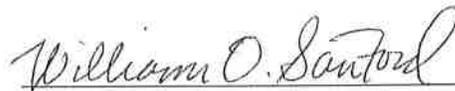
October 28, 2015
Date


Austin Franklin
Hearing Examiner

Concurrence

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

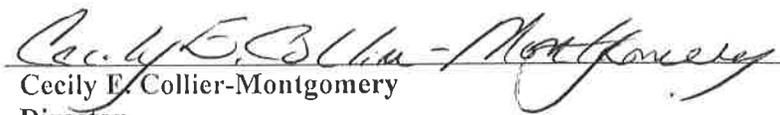
October 28, 2015
Date


William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

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

October 28, 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 Treasurer Robert James, via regular and certified mail at 3331 5th Street, SE, Washington, D.C. 20032 on this 28th day of October, 2015.

A handwritten signature in black ink, appearing to be "A. D.", is written over 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** 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.*