

**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
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IN THE MATTER OF) Date: March 1, 2016
)
Whitaker 4 Ward 4) Docket No: 15C-082
Treasurer Robert Whitaker)
60 Whittier Street, NW)
Washington, D.C. 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 Public Information and Records Management Division ("PIRM") that Treasurer, Robert Whitaker of the Whitaker 4 Ward 4 principal campaign committee failed to timely file the **October 10th Report of Receipts and Expenditures** ("R&E report"), pursuant to the Campaign Finance Act of 2011, D.C. Official Code § 1-1163.09(b) (2012) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (August 2013), which was due by October 13, 2015.

Summary of Evidence

By Notices of Hearing, Statement of Violations and Order of Appearance dated October 23, 2015, and November 10, 2015, OCF ordered Respondent to appear at scheduled hearings on November 9, 2015, and November 23, 2015 and show cause why he should not be found in violation of D.C. Official Code § 1-1163.09(b) (2012) and fined accordingly for failing to file the October 10th R&E report by October 13, 2015.

The Notice of Hearing dated October 23, 2015 was mailed to Respondent's address of record via regular mail. The Second Notice of Hearing which was dated November 10, 2015 was mailed to Respondent's address of record by both regular and certified mail.

Respondent has failed to file the October 10th R&E report and has failed to appear for both scheduled hearings. Respondent's committee is not in compliance with the filing requirements set forth in D.C. Official Code section 1-1163.09(b).

Findings of Fact

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

1. Respondent is Treasurer for the Whitaker 4 Ward 4 Principal Campaign committee.
2. Respondent was required to file the October 10th R&E report by October 13, 2015.
3. By Notices of Hearing, Statement of Violations and Order of Appearance dated October 23, 2015, and November 10, 2015, DCF ordered Respondent to appear at scheduled hearings on November 9, 2015, and November 23, 2015 and show cause why he should not be found in violation of D.C. Official Code § 1-1163.09(b) (2012) and fined accordingly for failing to file the October 10th R&E report by October 13, 2015.
4. The Notice of Hearing dated October 23, 2015 was mailed to Respondent's address of record via regular mail. The Second Notice of Hearing which was dated November 10, 2015 was mailed to Respondent's address of record by both regular and certified mail.
5. Respondent failed to appear for both scheduled informal hearings.
6. Respondent has failed to file the October 10th R&E report with OCF.
7. Respondent's committee is not in compliance with the filing requirements set forth in D.C. Official Code section 1-1163.09(b).

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 \$1,400.00
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 provide an explanation constituting good cause for suspension of a fine.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director impose a fine in this matter in the amount of \$1,400.00 against the Whitaker 4 Ward 4 principal campaign committee. The committee is ordered to file the October 10th R&E report immediately.

March 7, 2016

Date



Austin Franklin
Hearing Examiner

Concurrence

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

7 March 1, 2016

Date



William O. Sanford
General Counsel

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ORDER OF THE DIRECTOR

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

March 1, 2016
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 Treasurer Robert Whitaker, via regular and certified mail at 60 Whittier Street, NW, Washington, D.C. 20012 on this 1st day of March, 2016.

A handwritten signature in black ink, appearing to be "A. D. Reeves", written over a horizontal dashed 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 133, Washington, DC 20009.*