

**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

Ward 8 for Muhammad
Anthony Hovington, Treasurer
3149 Buena Vista Terrace, SE #4
Washington, DC 20020

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Date: February 29, 2016

Docket No: 15C-091

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), **ANTHONY HOVINGTON**, Treasurer of the Ward 8 for Muhammad Principal Campaign Committee (“committee”), failed to timely file the December 10th Report of Receipts and Expenditures that was due on Thursday, December 10, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated December 29, 2015, OCF ordered Anthony Hovington (“Respondent”) to appear at a scheduled hearing on January 17, 2016 and show cause why the Respondent 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

By Notice of Hearing, Statement of Violations and Order of Appearance dated December 29, 2015, OCF ordered Anthony Hovington (“Respondent”) to appear at a scheduled hearing on January 17, 2016. In lieu of appearance, Respondent was granted permission to submit a written Statement of Explanation. Thus, on January 12, 2015, the Respondent submitted a written Statement of Explanation (“Statement”) explaining the reasons for the untimely filing of the December 10th Report of Receipts and Expenditures. In the Statement, Respondent explained that he received the Reminder to File the December 10th Report Letter, dated November 13, 2015. Respondent stated that he had planned to timely file the Report, but inadvertently missed the filing date. Respondent further stated that he traveled out of town during the month of December and did not return home until after the New Year.

Sometime after Respondent returned home, he discovered the notice of hearing for failure to file the December 10th Report. Respondent took action to correct the violation and filed the Report. Respondent filed the Report on January 12, 2016. Consequently, the Respondent is now in compliance with the December 10th filing requirement.

Findings of Fact

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

1. Respondent is the treasurer of the Ward 8 for Muhammad Principal Campaign Committee.
2. Respondent was required to file the December 10th Report of Receipts and Expenditures by Thursday, December 10, 2015, but failed to file.
3. On November 13, 2015, PIRM mailed a reminder letter to the Respondent, reminding to file the December 10th Report of Receipts and Expenditures.
4. Respondent failed to file the December 10th Report of Receipts and Expenditures on Thursday, December 10, 2015.
5. By Notice of Hearing, Statement of Violations and Order of Appearance dated December 29, 2015, the Respondent was ordered to appear at a scheduled hearing on January 12, 2016.
6. Respondent submitted a written Statement of Explanation on January 12, 2016, in lieu of his appearance at the scheduled hearing.
7. Respondent provided a credible explanation, in that Respondent inadvertently missed the December 10, 2015 filing date prior to traveling out of state during the month of December 2015. Respondent returned home after the New Year and took action to correct the filing violation.
8. Respondent filed the December 10th Report of Receipts and Expenditures on January 12, 2016.
9. The committee is currently in compliance with its filing obligations.

Conclusions of Law

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

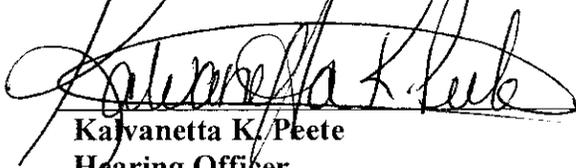
1. Respondent violated D.C. Official Code § 1-1163.09)(b) (2015) and 3 DCMR § 3017.2 (January 2015).
2. 3 DCMR § 3711.2(f) establishes a fifty dollar (\$50) fine for failure to timely file a Report of Receipts and Expenditures.
3. 3 DCMR § 3711.1 maintains that a fine shall attach for each day of noncompliance; up to a maximum of \$1000.00, pursuant to D.C. Official Code § 1-1163.35(a)(3).
4. 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 failed to file the December 10th Report of Receipts and Expenditures on Thursday, December 10, 2015.
7. By Notice of Hearing, Statement of Violations and Order of Appearance dated December 29, 2015, the Respondent was ordered to appear at a scheduled hearing on January 12, 2016.
8. Respondent submitted a written Statement of Explanation on January 12, 2016, in lieu of his appearance at the scheduled hearing.
9. Respondent provided a credible explanation, in that Respondent inadvertently missed the December 10, 2015 filing date prior to traveling out of state during the month of December 2015. Respondent returned home after the New Year and took action to correct the filing violation.
10. Respondent filed the December 10th Report of Receipts and Expenditures on January 12, 2016.
11. The committee is currently in compliance with its filing obligations.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director SUSPEND the imposition of any fine in this matter.

February 29, 2016
Date



Kalvanetta K. Peete
Hearing Officer

Concurrence

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

February 29, 2016
Date



William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the imposition of a fine is hereby SUSPENDED in this matter.

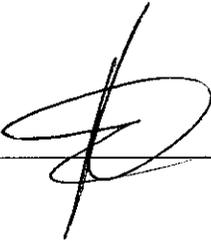
February 29, 2016
Date

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 Anthony Hovington, Treasurer, via regular mail at 3149 Buena Vista Terrace, SE #4, Washington DC 20020 on this 29th day of February 2016.



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.*