

**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: April 2, 2015
)	
BUD's PAC)	
Michele Hagans, Treasurer)	
1200 29 th Street, NW)	Docket No.: 15P-016
Washington, DC 20007)	

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), Michele Hagans, Treasurer for the BUD’s PAC political action committee, failed to timely file the March 10th Report of Receipts and Expenditures (“March 10th R&E report”), which was due on or before March 10, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 19, 2015, the OCF ordered Michele Hagans (“Respondent”) to appear at a scheduled hearing on April 9, 2015 and show cause why the BUD’s PAC political action committee (“Respondent Committee”) should not be found in violation of the Campaign Finance Act of 2011 and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

On March 19, 2015, the OCF submitted to Respondent a Hearing Notice by regular and electronic mail. That same day, Respondent filed the March 10th R&E report.

On March 23, 2015, the OCF received a notarized statement from Respondent as well as the committee’s notification of non-support form. Respondent explained that the committee was not participating in the 2015 special election and had “no activity, contributions, or receipts for the past several years.” Additionally, Respondent acknowledged that the committee should have filed a notification of non-support which it did on March 23, 2015.

Respondent does not have a recent history of delinquent filings and is currently in compliance with the March 10th R&E report filing.

Findings of Fact

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

1. Respondent is the Treasurer for the BUD's PAC political action committee.
2. Respondent was required to file the March 10th R&E report on or before March 10, 2015.
3. Respondent failed to file the March 10th R&E report on or before March 10, 2015.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated March 19, 2015, the OCF ordered Respondent to appear for a scheduled hearing on April 8, 2015.
5. On March 19, 2015, Respondent filed the March 10th R&E report.
6. The March 10th R&E report filing was seven (7) days late.
7. On March 23, 2015, the OCF received a written notarized statement from Respondent as well as Respondent Committee's notification of non-support form.
8. Respondent provided a credible explanation for the Committee's untimely filing given that the committee was not participating in the 2015 special election; the committee had no activity, contributions or receipts for the past several years; and the committee forgot to submit the notification of non-support form prior to the March 10th R&E report filing deadline.
9. Furthermore, Respondent filed the March 10th R&E report immediately after receiving the March 19, 2015 Hearing Notice.
10. Respondent does not have a recent history of delinquent filings.
11. Respondent is currently in compliance with the March 10th R&E report filing.

Conclusions of Law

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

1. Respondent violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2.

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, up to \$4,000 for the first offense and not more than \$10,000 for the second and each subsequent offense. (D.C. Law 20-0076) (2015).
3. The Committee's March 10th R&E report was seven (7) days late.
4. Respondent Committee may be fined a maximum fine of \$350.00 for failing to timely file a R&E report with the OCF.
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 provided a credible explanation for the untimely filing given that the committee failed to file the notification of non-support prior to the March 10th R&E report filing deadline, and the committee immediately filed the March 10th R&E after receiving the Hearing Notice.
7. Respondent is currently in compliance with the March 10th R&E report and does not have a recent history of delinquent filings.

Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director suspend a fine in this matter.

April 2, 2015

Date

Lesley Brown

Lesley Brown
Hearing Officer

Concurrence

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

April 2, 2015

Date

William O. Sanford

William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine is suspended in this matter.

April 2, 2015

Date

Cecily E. Collier-Montgomery

Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the NOTICE OF HEARING has been served on Michele Hagans, Treasurer, via regular mail at 1200 29th Street, NW, Washington, DC 20007 and by electronic mail at mvhagans@aol.com on this 2nd day of April 2015.

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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*.