

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>TH</sup> STREET, N.W., SUITE 433  
WASHINGTON, D.C. 20009  
Telephone: (202) 671-0547  
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<b>IN THE MATTER OF</b>	)	Date: April 7, 2015
	)	
DC Chamber of Commerce PAC	)	
Andrew Kline, Treasurer	)	
10401 Democracy Lane	)	Docket No.: 15P-017
Potomac, MD 20854	)	

**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), Andrew Kline, Treasurer for the DC Chamber of Commerce PAC political action committee, failed to timely file the March 10<sup>th</sup> Report of Receipts and Expenditures (“March 10<sup>th</sup> 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 Andrew Kline (“Respondent”) to appear at a scheduled hearing on April 8, 2015 and show cause why the DC Chamber of Commerce 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. On March 24, 2014, Respondent filed the March 10<sup>th</sup> R&E Report.

On March 26, 2015, Respondent emailed a notarized statement to the OCF regarding the committee’s untimely filing. On April 3, 2015, the OCF received the mailed copy of the notarized statement. In the statement, Respondent explained that on February 27, 2015, he contacted the PIRM Division regarding the committee’s transition of treasurers. That same day Respondent submitted, via email, the necessary documents for the committee to transition

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treasurers with the understanding that PIRM would provide Respondent with the committee's login information as well as information regarding filing deadlines. Respondent further explained that he emailed the PIRM Division on March 11, 2015 to inquire whether his documents had been received and if the committee had missed any filing deadlines. Respondent stated that it was not until March 17, 2015 when he received an email stating that the committee's registration was "successfully complete." Respondent further explained that he did not know whether he had the authority to file reports on the committee's behalf prior to receiving the March 17, 2015 email. Lastly, Respondent explained that he contacted the PIRM Division on March 23, 2015 after receiving the March 19, 2015 Hearing Notice; obtained the necessary information to file the report; and filed the March 10<sup>th</sup> R&E report on March 24, 2015.

The OCF records indicate that the March 10<sup>th</sup> R&E report reminder notice dated February 27, 2015 was mailed to Theodore Trabue, Jr. who was the treasurer for Respondent Committee. The reminder notice contained the committee's login information necessary for filing reports on the OCF electronic filing system. It is the PIRM representative's contention that she informed Respondent that the March 10<sup>th</sup> R&E report reminder notice had already been mailed to Mr. Trabue prior to Respondent's phone call to PIRM on February 27, 2015. Therefore, the reminder notice was mailed to Mr. Trabue, then current treasurer, the same day that Respondent emailed the following documents: Respondent's Statement of Acceptance of Treasurer, Mr. Trabue's Statement of Withdrawal of Position of Treasurer form and letter of resignation, and Respondent Committee's Amended Statement of Organization. Additionally, the March 17, 2015 email Respondent received was generated by the OCF's electronic filing system vendor. Lastly, the OCF records also indicate that Respondent's Statement of Acceptance of Treasurer, signed by Respondent on February 27, 2015, was "effective 03/01/2015," and Mr. Trabue's Statement of Withdrawal of Position of Treasurer form, signed by Mr. Trabue on February 27, 2015, was "effective 2/28/15."

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

**Findings of Fact**

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

1. Respondent is the Treasurer for the DC Chamber of Commerce PAC political action committee
2. Respondent Committee was required to file the March 10<sup>th</sup> R&E report on or before March 10, 2015.
3. Respondent Committee failed to file the March 10<sup>th</sup> 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 24, 2015, Respondent Committee filed the March 10<sup>th</sup> R&E report.
6. The March 10<sup>th</sup> R&E report filing was ten (10) days late.
7. On March 26, 2015, Respondent emailed the OCF a written notarized statement.
8. On April 3, 2015, the OCF received a hard copy of the written notarized statement from Respondent.
9. Respondent provided a credible explanation for the untimely filing given that the committee was in the process of transitioning treasurers, and he was unaware of the filing deadline as well as his authority to file reports on the Committee's behalf until he received the March 19, 2015 Hearing Notice on March 23, 2015.
10. The OCF records indicate that Respondent does not have a prior history of delinquent filings.
11. Respondent is in compliance with the March 10<sup>th</sup> 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 10<sup>th</sup> R&E report was ten (10) days late.
4. Respondent Committee may be fined a maximum fine of \$500.00 for failing to timely file a R&E report with 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 was transitioning treasurers near the time the report was due; Respondent was unaware of the filing deadline and his authority to file the report on the committee's behalf; and Respondent promptly filed the report soon after he received the Hearing Notice.
  
7. Respondent is in compliance with the March 10<sup>th</sup> R&E report filing and does not have a prior 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 7, 2015  
**Date**

Lesley Brown  
**Lesley Brown**  
**Hearing Officer**

**Concurrence**

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

April 7, 2015  
**Date**

William O. Sanford  
**William O. Sanford**  
**General Counsel**

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**ORDER OF THE DIRECTOR**

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

April 7, 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 Andrew Kline, Treasurer, via regular mail at 10401 Democracy Lane, Potomac, Maryland 20854 and by electronic mail at [akline@theveritaslawfirm.com](mailto:akline@theveritaslawfirm.com) on this 7<sup>th</sup> 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 (16<sup>th</sup>) 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 14<sup>th</sup> Street NW, Suite 433, Washington, DC 20009*.