

**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)

BB&T District of Columbia PAC)
Edward Simpson, Treasurer)
P.O. Box 1290)
Winston-Salem, NC 27102)

Date: June 30, 2015

Docket No: 15P-022

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(a)(1) and (b) (2015) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (January 2015), **EDWARD SIMPSON**, Treasurer of the BB&T District of Columbia Political Action Committee (“committee”), failed to timely file the 8 Day Pre-Special Election Report of Receipts and Expenditures that was due on April 20, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated May 7, 2015, OCF ordered Edward Simpson (“Respondent”) to appear at a scheduled hearing on May 22, 2015 and show cause why the committee should not be found in violation of the D.C. Official Code § 1-1163.09(a)(1) and (b) (2015) and 3 DCMR § 3017.2 (January 2015), and fined accordingly.

Summary of Evidence

On April 8, 2015, the Public Information and Records Management (“PIRM”) Division mailed a reminder letter to the Respondent that reminded Respondent to file the 8 Day Pre-Special Election Report of Receipts and Expenditures (“8 Day Report”) on Monday, April 20, 2015. Respondent did not file the R&E Report on April 20, 2015. Therefore, by Notice of Hearing, Statement of Violations and Order of Appearance dated May 7, 2015, OCF ordered Respondent to appear at a scheduled hearing on May 22, 2015.

Respondent filed the 8 Day Report on May 18, 2015. Respondent also submitted a written, notarized statement of explanation for the untimely filing. In the statement, Respondent explained that the untimely filing was due to an oversight and was he unaware of the special election filing required. However, upon receipt of the notice dated May 7, 2015, Respondent took action to correct the noncompliance by filing the report. The committee is currently in compliance with its filing obligations and does have a history of delinquent filings.

Findings of Fact

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

1. Respondent is the Treasurer of the BB&T District of Columbia Political Action Committee.
2. Respondent was required to file the 8 Day Pre-Special Election Report by April 20, 2015, but failed to file.
3. By Notice of Hearing, Statement of Violations and Order of Appearance dated May 7, 2015, the Respondent was ordered to appear at a scheduled hearing on May 22, 2015.
4. Respondent filed the 8 Day Report on May 18, 2015.
5. Respondent provided a credible explanation for the untimely filing, in that Respondent was not aware of the special election filing requirement; however, upon receipt of the notice dated May 7, 2015, Respondent took action to correct the noncompliance and filed the report.
6. The committee is currently in compliance with its filing obligations and does not have a history of filing delinquencies.

Conclusions of Law

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

1. Respondent violated D.C. Official Code § 1-1163.09)(a)(1) and (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 DCMR § 3711.1 maintains that a fine shall attach for each day of noncompliance.
3. Pursuant to D.C. Official Code § 1-1163.35(a)(3), the committee may be fined up to a maximum of \$950.00 for nineteen (19) days of noncompliance.
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. By Notice of Hearing, Statement of Violations and Order of Appearance dated May 7, 2015, the Respondent was ordered to appear at a scheduled hearing on May 22, 2015.
7. Respondent was required to file the 8 Day Pre-Special Election Report by April 20, 2015, but failed to file.

8. Respondent filed the 8 Day Report on May 18, 2015.
9. Respondent provided a credible explanation for the untimely filing, in that Respondent was not aware of the special election filing requirement; however, upon receipt of the notice dated May 7, 2015, Respondent took action to correct the noncompliance and filed the report.
10. The committee is currently in compliance with its filing obligations and does not have a history of filing delinquencies.

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.

June 30, 2015
Date

Kalvanetta K. Peete
Kalvanetta K. Peete
Hearing Officer

Concurrence

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

June 30, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

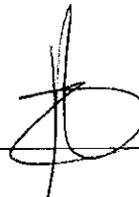
IT IS ORDERED that the imposition of any fine shall be SUSPENDED in this matter.

June 30, 2015
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 Edward Simpson, Treasurer, via regular mail at P.O. Box 1290, Winston-Salem, NC 27102 on this 30th day of June, 2015.

A handwritten signature in black ink, appearing to be 'J.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.