

**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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**IN THE MATTER OF**

DC Political Action Candidate Election  
(PACE)  
Estelle Richardson  
PO Box 75236  
Washington, DC 20013

Date: September 10, 2015

Docket No.: 15P-035

**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 (“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), Estelle Richardson, Treasurer for DC Political Action Candidate Election (“PACE”) political action committee, failed to timely file the August 10<sup>th</sup> Report of Receipts and Expenditures (“August 10<sup>th</sup> R&E report”), which was due on or before August 10, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 18, 2015, the OCF ordered Estelle Richardson (“Respondent”) to appear at a scheduled hearing on September 2, 2015 and show cause why DC Political Action Candidate Election (“PACE”) 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 August 18, 2015, the OCF submitted to Respondent a Hearing Notice by regular and electronic mail. On August 20, 2015, Respondent filed the August 10<sup>th</sup> R&E report which was due on August 10, 2015.

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On September 2, 2015, Michael Francum, Executive Director of the National Association of Social Workers DC Metro Chapter ("NASW DC Metro Chapter") attended the scheduled hearing *pro se* on behalf of Respondent. Laura McQueen, Legal Instruments Examiner, appeared on behalf of the OCF. Ms. McQueen testified, having been duly sworn, that Respondent failed to timely file the August 10<sup>th</sup> R&E report by the August 10, 2015 deadline.

Mr. Francum testified, having been duly sworn, that he is employed by the NASW DC Metro Chapter which is a function of Respondent Committee. Mr. Francum further testified that Respondent Committee is comprised of eight volunteers and Respondent is one of those volunteers; however, he is responsible for filing the reports. Because Mr. Francum is a paid staff member of NASW DC Metro Chapter, he testified that his organization's bylaws prohibit him from being Treasurer of Respondent Committee. Mr. Francum emphasized that he, not Respondent, is responsible for filing the reports for Respondent Committee. Furthermore, Mr. Francum stated that Respondent is the treasurer in name only. Additionally, Mr. Francum stated that he is the only one with access to Respondent Committee's P.O. Box which is the address the OCF has on file for Respondent.

Regarding the untimely filing, Mr. Francum testified that it was an oversight and that he assumes sole responsibility. Mr. Francum stated that he was out of the office between the time the reminder letter was mailed (August 3, 2015) and the August 10, 2015 filing deadline. Additionally, Mr. Francum explained that he did not check the P.O. Box until after he returned to the office on August 12, 2015. Furthermore, Mr. Francum explained that he received the Hearing Notice (electronically submitted) and he contacted the OCF on August 20, 2015 to inquire about the delinquent filing. Mr. Francum testified that he was not aware of the delinquent filing prior to receiving the Hearing Notice.

At the conclusion of the hearing, Mr. Francum was advised to develop preventive measures to ensure timely filings. Mr. Francum was further advised that although he accepts complete responsibility for the untimely filing, Respondent is the treasurer on record and she is responsible for filing the reports. Lastly, Mr. Francum was advised that it would be ideal for Respondent Committee to assign a person as Treasurer who actually conducts the duties of the Treasurer.

Respondent and Respondent Committee do not have a recent history of prior delinquent filings. Specifically, the August 10<sup>th</sup> R&E report was the only delinquent filing reported during the 2015 Special Election reporting period. Respondent and Respondent Committee are in compliance with the August 10<sup>th</sup> R&E report.

**Findings of Fact**

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

1. Respondent is the Treasurer for the DC Political Action Candidate Election (“PACE”) political action committee.
2. Respondent Committee is the DC Political Action Candidate Election (“PACE”) political action committee.
3. Michael Francum is the Executive Director of the National Association of Social Workers DC Metro Chapter (“NASW DC Metro Chapter”).
4. Respondent was required to file the August 10<sup>th</sup> R&E report on or before August 10, 2015.
5. Respondent failed to file the August 10<sup>th</sup> R&E report on or before August 10, 2015.
6. By Notice of Hearing, Statement of Violations and Order of Appearance dated August 18, 2015, the OCF ordered Respondent to appear for a scheduled hearing on September 2, 2015.
7. On August 20, 2015, Respondent filed the August 10<sup>th</sup> R&E report.
8. The August 10<sup>th</sup> R&E report was eight (8) days late.
9. On September 2, 2015, Mr. Francum appeared to OCF for the scheduled hearing on behalf of Respondent.
10. Mr. Francum testified that the untimely was an oversight and he did not receive the filing reminder notice because he was out of town between the time the reminder notice was mailed and the filing deadline; and he became aware of the delinquent filing after receiving the electronic hearing notice.
11. Mr. Francum further testified that he is responsible for filing reports, and he is the only person with access to Respondent Committee’s P.O. Box.
12. During the hearing, Mr. Francum was advised that Respondent, as treasurer, is responsible for filing reports; Respondent and Respondent Committee should develop preemptive measures to ensure timely filings; and the treasurer of Respondent Committee should be the person who actually conducts the duties of treasurer.
13. Respondent and Respondent Committee have a prior history of delinquent filings, but have not had a delinquent filing during the 2015 election period.
14. Respondent and Respondent Committee are in compliance with the August 10<sup>th</sup> R&E report.

**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. DC Official Code § 1-1163.35(a)(2)(A) (2015).
3. The Committee's August 10<sup>th</sup> R&E report was eight (8) days late.
4. Respondent may be fined a maximum fine of \$400.00 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. Mr. Francum provided a credible explanation for the untimely filing given that he was out of town between the time the reminder letter was mailed and the August 10, 2015 filing deadline, and he was not aware of the delinquent filing until he received the electronic Hearing Notice.
7. Mr. Francum was advised to develop preemptive measures to insure timely filings.
8. Respondent and Respondent Committee do not have a recent history of delinquent filings and the August 10<sup>th</sup> R&E report was the first delinquent filing for Respondent Committee during the 2015 Special Election period.
9. Respondent is in compliance with the August 10<sup>th</sup> R&E report filing.

**Recommendation**

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

September 10, 2015

Date

Lesley Brown

Lesley Brown  
Hearing Officer

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Concurrence

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

September 10, 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.

September 10, 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 Estelle Richardson, Treasurer, via regular mail at PO Box 75236, Washington, DC 20013 and by electronic mail at [dcmetrochapter@naswdc.org](mailto:dcmetrochapter@naswdc.org) on this day 10<sup>th</sup> of September 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.*