



received Mr. Zinsmeister's mailed notarized statement. In the statement, Mr. Zinsmeister explained that he was on vacation and he returned to the office on August 10, 2015. Mr. Zinsmeister further explained that he did not receive the August 10<sup>th</sup> R&E report reminder letter in a timely fashion because the reminder letter was addressed to the committee's old address and an additional delay incurred given a typo in the old address. Additionally, Mr. Zinsmeister stated that the Login ID and Password information provided in the reminder letter were incorrect. Mr. Zinsmeister stated that he "depends" on the filing reminder letters to timely file reports. As support, Mr. Zinsmeister provided a copy of the reminder letter. In conclusion, Mr. Zinsmeister explained that the committee has a history of timely filing reports. The PIRM division confirmed these facts.

Respondent and Respondent Committee are in compliance with the August 10<sup>th</sup> R&E report filing and do 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 ABC of Metro Washington DC PAC political action committee.
2. Respondent Committee is the ABC of Metro Washington DC PAC political action committee.
3. Robert Zinsmeister is Director of Government Affairs for the Associated Builders and Contractors (ABC) of Metro Washington.
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 27, 2015, Respondent filed the August 10<sup>th</sup> R&E report.
8. The August 10<sup>th</sup> R&E report was thirteen (13) days late.

9. On August 27, 2015, Mr. Zinsmeister emailed the OCF a statement and supporting documents explaining the untimely filing.
10. On September 1, 2015, the OCF received a hard copy of a written notarized statement.
11. Mr. Zinsmeister provided a credible explanation for the untimely filing given that he returned to the office the day the report was due; he did not receive the reminder letter in a timely fashion because it was incorrectly addressed to the committee's old office address; and he did not have the correct Login ID and Password information provided in the reminder letter which is required to file the report.
12. Respondent and Respondent Committee do not have a prior history of delinquent filings.
13. 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 thirteen (13) days late.
4. Respondent may be fined a maximum fine of \$650.00 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. Zinsmeister provided a credible explanation for the untimely filing given that he did not receive the reminder letter in a timely fashion because it was incorrectly addressed to the committee's old office, and the information provided in the reminder letter was the incorrect Login ID and Password for the committee.
7. Respondent and Respondent Committee do not have a prior history of delinquent filings.
8. 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 4, 2015

Date

Lesley Brown

Lesley Brown  
Hearing Officer

**Concurrence**

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

September 4, 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 4, 2015

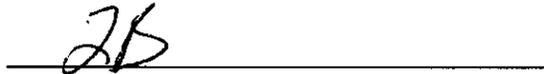
Date

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 Henry Gilford, Treasurer, via regular mail at 6901 Muirkirk Meadows Drive, Suite F, Beltsville, MD 20705 and by electronic mail at [hgilford@gilfordcorp.com](mailto:hgilford@gilfordcorp.com) on this day 4<sup>th</sup> of September 2015.



**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*.