

**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: February 3, 2015
)	
Maria Acebal, Treasurer)	Docket No.: 15R-001
Braun 2014)	
4511 Q Place, NW)	
Washington, D.C. 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 Reports Analysis and Audit Division (“RAAD”) that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.03(a)(1)(A) (2012) and the District of Columbia Municipal Regulations 3 DCMR § 3403.2 (August 2013), Maria Acebal, Treasurer for Braun 2014 principal campaign committee, failed to timely respond to RAAD’s Request for Additional Information dated December 18, 2014 by the January 2, 2015 deadline.

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 13, 2015, OCF ordered Maria Acebal (“Respondent”) to appear at a scheduled hearing on January 29, 2015 and show cause why Braun 2014 principal campaign committee should not be found in violation of the Campaign Finance Act of 2011 and 3 DCMR § 3403.2 and fined accordingly.

Summary of Evidence

Upon review of Respondent’s December 10, 2014 Report of Receipts and Expenditures (“December 10th R&E report”), RAAD determined that additional information was needed regarding an expenditure to Sara Sklaroff for “Campaign Materials” in the amount of \$1,000.00. On December 18, 2014, RAAD submitted a Request for Additional Information requiring that Respondent submit copies of the invoice and the cancelled check as well as submit a detailed explanation regarding the expenditure by January 2, 2015. Respondent failed to provide RAAD with the requested information by the stated deadline.

On January 13, 2015, OCF submitted a Hearing Notice to Respondent via regular and electronic mail. That same day, Respondent emailed OCF after receiving the electronic notice

and provided a copy of the invoice submitted by Ms. Sklaroff to the committee and a copy of the cancelled check issued by the committee to Ms. Sklaroff. Respondent further explained in a written notarized statement that Ms. Sklaroff's services involved branding the campaign's graphic design work. Upon review, RAAD determined that this submission was adequate.

On January 29, 2015, Respondent appeared at the scheduled hearing *pro se*. Michele Steele, RAAD staff auditor, appeared on behalf of OCF. Ms. Steele testified, having been duly sworn, that RAAD requested, in its December 18, 2014 Request for Additional Information, that Respondent submit copies of an invoice and cancelled check for a \$1,000.00 committee expenditure by January 2, 2015. Ms. Steele further testified that Respondent failed to submit the documents by January 2, 2015; however, Respondent submitted the documents on January 13, 2015.

Respondent testified, having been duly sworn, that she was sick with the flu during the time that the documents were due and inadvertently missed RAAD's deadline. Respondent further testified that she has a history of timely complying with RAAD's requests. Ms. Steele verified that Respondent timely complied with RAAD's prior requests and the December 18, 2015 Request for Additional Information was the first instance where Respondent has not timely responded. Lastly, Respondent explained that she promptly provided OCF with the requested documents on January 13, 2015, the same day that she received the electronic Hearing Notice.

Respondent satisfied RAAD's December 18, 2014 Request for Additional Information.

Findings of Fact

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

1. Respondent is the Treasurer for Braun 2014 principal campaign committee.
2. Respondent was required to submit copies of an invoice and cancelled check regarding a campaign expenditure by January 2, 2015 as requested in RAAD's December 18, 2014 Request for Additional Information.
3. Respondent failed to provide the requested documents by the stated deadline.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated January 13, 2015, OCF ordered Respondent to appear for a scheduled hearing on January 29, 2015.

5. The January 13, 2015 Hearing Notice was submitted by regular mail electronic mail.
6. On January 13, 2015, Respondent electronically submitted copies of the cancelled check and invoice as well as an explanation regarding the expenditure in question.
7. Respondent's submission was seven (7) days late.
8. RAAD determined that Respondent's submission was sufficient.
9. On January 29, 2015, Respondent appeared at the scheduled hearing.
10. Respondent provided a credible explanation for failing to timely respond to RAAD's request given that she was sick with the flu during the time the documents were due; she promptly submitted the requested documents on the day she received the January 13, 2015 Hearing Notice; and she does not have a history of failing to respond to RAAD's Requests for Additional Information.
11. Respondent has provided good cause for suspension of a fine.
12. Respondent satisfied RAAD's December 18, 2014 Request for Additional Information.

Conclusions of Law

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

1. Respondent Committee violated D.C. Official Code § 1-1163.03(a)(1)(A) and 3 DCMR § 3403.2.
2. D.C. Official Code § 1-1163.35(a)(3) and 3 DCMR § 3711.2(q) institutes a fine of fifty dollars (\$50.00) for failure to file additional information and the aggregate set of fines imposed may not exceed two thousand dollars (\$2,000.00).
3. Respondent may be fined a maximum penalty of \$350.00 for failure to timely file additional information.
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

5. Respondent provided a credible explanation for failing to timely respond to RAAD's request given that she does not have a prior history of failing to respond and she was sick with the flu at the time RAAD requested submission of the documents.
6. Respondent has provided good cause for suspension of a fine.
7. Respondent satisfied RAAD's December 18, 2014 Request for Additional Information.

Recommendation

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

February 3, 2015
Date

Lesley Brown
Lesley Brown
Hearing Officer

Concurrence

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

February 3, 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.

February 3, 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** was served on Treasurer Maria Acebal via electronic mail at mlacebal@gmail.com and via regular mail at 4511 Q Place, NW, Washington, DC 20007 on this 3rd day of February 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.*