

**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
Fax: (202) 671-0658**

IN THE MATTER OF)	Date: August 26, 2015
)	
Mr. Robert James, Treasurer)	Docket No: 15R-026
Barry for Council)	
3331 5 th Street, SE)	
Washington, D.C. 20032)	

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 Robert James, Treasurer of the Barry for Council principal campaign committee, needed to provide additional information regarding a contribution in the amount of \$31,532.38.

By Notice of Hearing, Statement of Violations and Order of Appearance dated July 22, 2015, OCF ordered Robert James, (“Respondent”), to appear at a scheduled hearing on August 3, 2015.

Summary of Evidence

On August 3, 2015, Candidate Marion Christopher Barry and Respondent Robert James appeared at the scheduled hearing *pro se*. Audit Manager, Renee Coleman-Rollins and Supervisory Auditor Dwayne Gilliam appeared on behalf of the OCF. Mrs. Coleman-Rollins testified that an Audit was conducted on the Barry for Council principal campaign committee and that the audit staff needed the committee to provide proof as to the source of funds contributed by the candidate totaling \$31,532.38. Mr. Barry provided a detailed explanation along with evidence showing that he did not contribute \$31,532.38 to his principal campaign committee. Mrs. Coleman-Rollins along with Mr. Gilliam found Mr. Barry’s response to be sufficient and that the Barry for Council committee had never received a contribution in the amount of \$31,532.38 from Mr. Barry. Mr. Barry successfully refuted the allegations made against the committee.

Findings of Fact

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

1. Respondent is the Treasurer for the Barry for Council Principal Campaign Committee.
2. By Notice of Hearing, Statement of Violations and Order of Appearance dated July 22, 2015, OCF ordered Respondent to appear for a scheduled hearing on August 3, 2015.
3. Candidate Marion Christopher Barry and Respondent Robert James appeared at the scheduled hearing *pro se*.
4. Mrs. Coleman-Rollins testified that an Audit was conducted on the Barry for Council principal campaign committee and that the audit staff needed the committee to provide proof as to the source of funds contributed by the candidate totaling \$31,532.38.
5. Mr. Barry provided a detailed explanation along with evidence showing that he did not contribute \$31,532.38 to his principal campaign committee.
6. Mrs. Coleman-Rollins along with Mr. Gilliam found Mr. Barry's response to be sufficient and that the Barry for Council committee had never received a contribution in the amount of \$31,532.38 from Mr. Barry.

Conclusion of Law

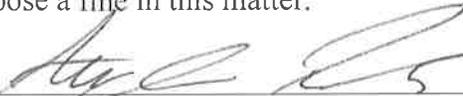
Based upon the record provided by OCF, I therefore conclude:

1. Respondent did not violate D.C. campaign finance laws regarding contributions.
2. Mrs. Coleman-Rollins along with Mr. Gilliam found Mr. Barry's response to be sufficient and that the Barry for Council principal campaign committee had never received a contribution in the amount of \$31,532.38 from Mr. Barry.
3. Respondent has been cooperative with OCF staff in resolving this matter.

Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director not impose a fine in this matter.

August 26, 2015
Date


Austin Franklin
Hearing Examiner

Concurrence

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

August 26, 2015
Date


William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that no fine will be imposed on the Barry for Council principal campaign committee.

August 26, 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 Robert James, Treasurer for the Barry for Council principal campaign committee, via regular mail at 3331 5th Street, SE, Washington, DC, 20032, on this 26th day of August, 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 (16th) day following the issuance of a decision or Order; provided that, the Respondent does not request a **hearing de novo**, 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*.