

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

**IN THE MATTER OF** ) Date: March 9, 2016  
 )  
Derek J. Ford, Treasurer ) Docket No: 16R-001  
Re-Elect Yvette Alexander 2016 )  
4508 B Street, SE #8 )  
Washington, D.C. 20019 )

**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 (March 2016), Derek J. Ford, Treasurer of the Re-Elect Yvette Alexander 2016 Principal Campaign Committee failed to respond to the RAAD’s **Request for Additional Information** (“RFAI”) dated December 17, 2015, regarding:

- (1) failure to report the mailing address and occupation or name of employer for several contributors on Schedule A of the Committee’s December 10, 2015 Report;
- (2) providing the Audit staff with copies of contributors checks to ensure that several contributions did not exceed contribution limitations; and
- (3) providing the Audit staff with a more detailed explanation and documentation (invoices/contracts/receipts), including copies of the cancelled checks, to substantiate six (6) expenditures.

Respondent’s response to the RFAI was due on January 1, 2016. Respondent failed to submit a response before the January 1, 2016 deadline.

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 29, 2016 OCF ordered Derek J. Ford, (“Respondent”), to appear at a scheduled hearing on February 17, 2016, and show cause why the Re-Elect Yvette Alexander 2016 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**

At the request of the Respondent, the hearing set for February 17, 2016 was rescheduled and the matter was set for a hearing on February 24, 2016. Attorney Thorn Pozen appeared on behalf of the Respondent. Also present at the hearing was the Manager of the Reports Analysis and Audit Division, Ms. Rene Coleman-Rollins and Supervisory Auditor, Mr. Dwayne A. Gilliam, Sr. Ms. Coleman-Rollins and Mr. Gilliam appeared on behalf of the OCF.

During the February 24, 2016 hearing, Ms. Coleman-Rollins testified that Respondent was given until January 1, 2016 to respond to the RFAI and that Respondent did not comply with the initial request. She further testified that she gave Respondent a second deadline of January 19, 2016 to submit a complete response to the RFAI. Ms. Coleman-Rollins testified that Respondent failed once again to provide a response by the given deadline. Respondent ultimately submitted a partial response on January 20, 2016. Subsequently on February 19, 2016, Respondent emailed several additional documents to Ms. Coleman-Rollins. However, the documents submitted on February 19, 2016 did not fully satisfy the RFAI request. There was still requested information that was not received at the time of the February 24, 2016 hearing.

Respondent's Counsel did not refute Ms. Coleman-Rollins' testimony but did provide an explanation as to why Respondent had not complied with the Audit staff's request for additional information regarding the Committee's December 10<sup>th</sup> R&E report. Counsel testified that Respondent was dealing with personal matters that prevented him from thoroughly responding to the RFAI within a timely manner. The Committee was given until Friday, February 26, 2016 to submit the remaining information with the Audit division. Subsequently, on February 26, 2016, the committee submitted the remaining information with the Audit division, thereby satisfying the December 17, 2015 RFAI.

The Re-Elect Yvette Alexander 2016 principal campaign committee is currently in compliance with 3 DCMR § 3403.2 after having appeared at the informal hearing and responding adequately to the December 17, 2015 Request for Additional Information.

**Findings of Fact**

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

1. Respondent is the Treasurer for the Re-Elect Yvette Alexander 2016 Principal Campaign Committee.
2. Respondent was required to file additional information with the Audit division on or before January 1, 2016.
3. Respondent failed to timely respond to the request by the given deadline.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated January 29, 2016, OCF ordered Respondent to appear for a scheduled hearing on February 17, 2016.
5. At the request of the Respondent, the hearing set for February 17, 2016 was rescheduled and the matter was set for a hearing on February 24, 2016.
6. Counsel appeared on behalf of the Respondent.
7. Audit Manager, Ms. Rene Coleman-Rollins appeared on behalf of the OCF.
8. Respondent's Counsel testified that the Committee's failure to submit a complete response within a timely manner was due to the Respondent having to tend to personal obligations.
9. The Committee was given until February 26, 2016 to submit all outstanding documents with the Audit staff.
10. The Committee successfully filed the additional documents with Audit staff, thereby satisfying the December 17, 2015 RFAI.
11. The Re-Elect Yvette Alexander 2016 principal campaign committee is currently in compliance with applicable regulation(s).

**Conclusion of Law**

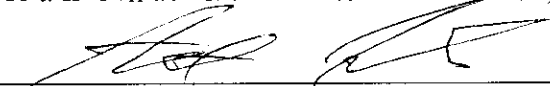
**Based upon the record provided by OCF, I therefore conclude:**

1. Respondent violated D.C. Official Code § 1-1163.03(a)(1)(A) and 3 DCMR § 3403.2.
2. The penalty established at 3 DCMR § 3711.2(q) for failure to file additional information requested by the OCF, as required by D.C. Official Code § 1-1163.03(a)(1)(A), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. Under the given facts, the Respondent / Committee may be fined a maximum of \$1,850.00 for failing to timely file additional information requested by the OCF.
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 has failed to provide an explanation constituting good cause for suspension of a fine.
6. Respondent has been Treasurer for the Principal Campaign Committee since 2007 and has experience responding to the Audit division's Request for additional Information. Respondent was given several opportunities to submit the additional documents but failed to do so. The Audit division was unable to complete the desk review of the Committee's December 10, 2015 R&E report due to the committee's delay. It took the committee 37 business days after the January 1, 2016 deadline to submit a complete response to the Request for additional information that was made on December 17, 2015.

**Recommendation**

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director impose a fine in this matter in the amount of \$1,850.00


March 9, 2016  
Date

  
Austin Franklin  
Hearing Examiner

**Concurrence**

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

March 9, 2016  
Date

  
William O. Sanford  
General Counsel

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**ORDER OF THE DIRECTOR**

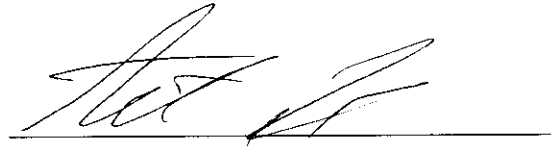
IT IS ORDERED that the fine in this matter is hereby imposed.

March 9, 2016  
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 Derek J. Ford, Treasurer for Re-Elect Yvette Alexander 2012, via regular mail at 4508 B Street, SE, Washington, DC, 20019 and by electronic mail at derek@ums-dc.com on this 9<sup>th</sup> day of March 2016.



### 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**, 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*.