

**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: March 9, 2016
)	
Derek J. Ford, Treasurer)	Docket No: 16R-002
Yvette Alexander Constituent Service Fund)	
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 Yvette Alexander Constituent Service Fund failed to respond to the RAAD’s **Statement of Findings** dated December 30, 2015, regarding:

- (1) having the committee file an Amended October 1, 2015 report to reflect two (2) expenditures that the committee failed to include in the October 1, 2015 report and to remove an expenditure from the October report that was made during the prior period on July 1, 2015;
- (2) having the committee provide the Audit staff with both an explanation and documentation explaining why the committee violated D.C. Official Code § 1-1163.38 (b)(3)(C) by making a cash withdrawal on August 28, 2015 in the amount of \$500.00.

Respondent’s response to the Statement of Findings was due on January 14, 2016. Respondent failed to submit an Amended October 1, 2015 report or an explanation regarding the \$500 cash withdrawal before the January 14, 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 Yvette Alexander Constituent Service Fund 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. Respondent failed to appear for the scheduled hearing. The Manager of the Reports Analysis and Audit Division, Ms. Rene Coleman-Rollins and Supervisory Auditor, Mr. Dwayne A. Gilliam, Sr. were present for the hearing and appeared on behalf of the OCF.

During the February 24, 2016 hearing, Ms. Coleman-Rollins testified that Respondent failed to submit a response to the Statement of Findings before the January 14, 2016 deadline. Ms. Coleman-Rollins testified that she had been in communication with Respondent regarding obtaining a response from the committee concerning the Statement of Findings and that Respondent filed an Amended October 1, 2015 report on February 16, 2016. Further, Ms. Coleman-Rollins testified that as of the date of the hearing, Respondent had failed to provide an explanation as to why the committee violated D.C. Official Code § 1-1163.38 (b)(3)(C) by making a cash withdrawal on August 28, 2015 in the amount of \$500.00.

On February 26, 2016, Respondent provided a written statement to the Audit staff explaining why a cash withdrawal was made from the Constituent Service Fund. Respondent's written statement alleges that he went to Industrial Bank to obtain a Cashier's check after receiving a request from the Councilmember to provide her with a check from the Constituent Service Fund. Respondent's written statement alleges that he was instructed by the bank to withdraw funds from the account in order for the bank to issue a cashier's check. Respondent alleges that this process is Industrial Bank's standard procedure regarding the issuance of cashier's checks. Respondent attached copies of both the withdrawal slip and the cashier's check as evidence to support his written statement.

Findings of Fact

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

1. Respondent is the Treasurer for the Yvette Alexander Constituent Service Fund.
2. Respondent was required to submit a response to the Statement of Findings on or before January 14, 2016.
3. Respondent failed to timely respond to the Statement of Findings 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. Respondent failed to appear at the February 24, 2016 hearing.
7. Audit Manager, Ms. Rene Coleman-Rollins appeared on behalf of the OCF.
8. Ms. Coleman-Rollins testified that Respondent filed an Amended October 1, 2015 report on February 16, 2016, nearly 21 business days after the January 14th deadline.
9. Respondent submitted a written explanation regarding the Committee's \$500 cash withdrawal on February 26, 2016, nearly 29 business days after the January 14th deadline.
10. The Yvette Alexander Constituent Service fund has now fully responded to the Statement of Findings dated December 30, 2015.

Conclusion of Law

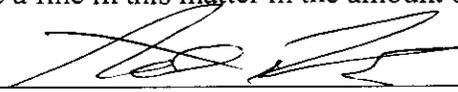
Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code § 1-1163.03(a)(1)(A) and 3 DCMR § 3403.2.
2. Respondent did not violate D.C. Official Code § 1-1163.38 (b)(3)(C).
3. 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.
4. Under the given facts, the Respondent / Committee may be fined a maximum of \$1,450.00 for failing to timely file a response with 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. Respondent's explanation regarding the \$500 cash withdrawal that appeared on the Committee's bank statement is sufficient. Respondent was able to provide both the withdrawal slip and cashier's check to support his claim that he did not actually withdraw \$500 in cash but that he was instructed by the bank representative to fill out a withdrawal slip in order to be issued a cashier's check. Thus, Respondent did not violate D.C. Official Code § 1-1163.38 (b)(3)(C).
7. Respondent has failed to provide an explanation as to why it took the committee nearly 29 days after the January 14, 2016 deadline to submit a complete response to the Statement of Findings dated December 30, 2015. Respondent failed to appear at the February 24, 2016 hearing and did not submit a notarized affidavit explaining the untimely filings.

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 \$1,450.00

March 9, 2016
Date



Austin Franklin
Hearing Examiner

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Concurrence

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

March 9, 2016
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

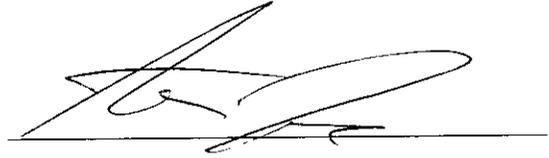
IT IS ORDERED that the fine in this matter is hereby imposed.

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 the Yvette Alexander Constituent Service Fund, via regular mail at 4508 B Street, SE, Washington, DC, 20019 and by electronic mail at derek@ums-dc.com on this 9th 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 (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.*