

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14th STREET, NW SUITE 420
WASHINGTON, DC 20009
(202) 671-0550**

IN THE MATTER OF

1199 SEIU PAC
George Gresham, Treasurer
330 West 42nd Street, 7th Floor
New York, NY 10036

:
:
:
:
:
:
:

DOCKET NO.: 2015 P-044
February 29, 2016

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to The Campaign Finance Act of 2011 (The Act), codified in DC Official Code 1-1163.01, George Gresham, treasurer for 1199 SEIU political action committee failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for December 10, 2015 on or before December 10, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated December 29, 2015 OCF ordered George Gresham (hereinafter Respondent), to appear at a scheduled hearing on Tuesday January 19, 2016 and show cause why he should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly.

Summary of Evidence

On or about January 15, 2016 Respondent through Alexander Rabb, Esquire with the law firm Levy Ratner, PC submitted a written explanation that addressed the reason(s) for the PACs failure to timely file the December 10th R&E Report. The letter stated that the failure to timely file the report was attributed to what amounted to an oversight by the accounting firm that normally prepares the report. Specifically, the accountant (Kirti Patel) responsible for the preparation and filing left the accounting firm (Horowitz and Ullman) in November 2015. Her replacement failed to prepare and/or notify the Union of their obligation to file the December 10th report. As result the report was not timely filed. According to counsel, the report was immediately prepared and electronically filed following receipt of the hearing notice from OCF. OCF received the December 10th report on January 13, 2016.

On Tuesday January 19, 2016, this hearing officer held a telephone conversation with Mr. Rabb. He (Rabb) reiterated the aforementioned reasons for the untimely filing, and because the committee is located in New York City, he waived his appearance at the scheduled hearing and requested that any fines imposed be waived.

Findings of Fact

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

1. Respondent is the treasurer of record for the 1199 SEIU PAC.
2. Respondent committee was required to file a R&E Report on or before December 10, 2015 in accordance with D.C. Official Code § 1-1163.09
3. Respondent treasurer filed an R&E Report on January 13, 2016. On the date the report was filed it was twenty two (22) business days past due.
4. On or about January 15, 2013 Respondent submitted a written explanation for the failure to timely file the R&E Report. The failure to timely file the report was largely attributed to a change in personnel responsible for the preparation and filing the report. Specifically, the accountant (Kirti Patel) assigned to perform the task left the accounting firm (Horowitz & Ullman) in November 2015. The person who replaced her forgot to notify the Union of the committee's obligation to file the December 10th report. The report was immediately filed upon receipt of the hearing notice.
5. Respondent committee is currently in compliance with the statute.

Conclusions of Law

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

1. Respondent PAC violated DC Official Code §1-1163.09(b).
2. The penalty established at DC Official Code §1-1163.09, §1-1163.35, 3 DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file a December 10, 2015 R&E Report 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 Law 20-0076) (2015).
3. In accordance with DC Official Code 1-1163.35, the respondent PAC may be fined a maximum of One Thousand One Hundred Dollars (\$1,100.00) for failing to timely file a December 10, 2015 R&E Report.
4. For good cause shown pursuant to 3 DCMR 3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

Recommendation

Respondent PAC is no stranger to the filing requirements and the campaign finance laws for the District of Columbia. The PAC has been registered with OCF since August 2005. Review of the file for Respondent SEIU PAC indicates that with the exception of the late filing of the December 10, 2015 R&E Report all other reports submitted in 2015 were filed in a timely manner. In view of the foregoing and information included in the record, I hereby recommend that the Director impose a reduced fine of One Hundred Dollars (\$100.00) in this matter.

February 29, 2016
Date

Leonard Muhammad
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

February 29, 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 reduced and Respondent pay One Hundred Dollars (\$100.00) for failure to timely file the December 10, 2015 R&E Report.

February 29, 2016
Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on George Gresham c/o Alexander Rabb, Levy Ratner, PC 80 Eighth Avenue, 8th Floor New York, New York 10011-7175 by regular mail, on March 1, 2016.

#

IN THE MATTER OF: 1199 SEIU PAC
Docket No: 2015 P-044
Page 4

NOTICE

Any party adversely affected by any order of the Director may obtain review of the order by filing, with the Board of Elections and Ethics, a request for a hearing *de novo*. Pursuant to 3 DCMR §3711.5, any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, 2000 Fourteenth Street, N.W., Suite 433 Washington, DC 20009.