

**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

Anderson Ward 4 Council
C/o Acqunette Anderson, Treasurer
7247_15th Place, NW
Washington, DC 20012

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Docket No: 2015 R-014
Date: May 29, 2015

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereafter OCF) Office of the General Counsel following a determination by its Reports Analysis and Audit Division (RAAD), that pursuant to The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform and Amendment Act” (The Act), codified in DC Official Code 1-1163.03(a)(1)(A).

1. Acqunette Anderson, treasurer for the Anderson Ward 4 Council campaign committee failed to respond to a request for additional information by the audit division, concerning the March 10th R&E Report in which she reported on the Schedule A the contribution in the amount of \$2,000 with the contribution type marked “Other”. In a letter dated March 12, 2015 the audit staff requested documentation as to the source of the funds from the candidate. **(Docket No: 2015 R-014)**

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 4, 2015, April 1, 2015 and April 27, 2015 OCF ordered Acqunette Anderson (hereafter Respondent), to appear at a scheduled hearing on Tuesday March 17, 2015, Tuesday April 14, 2015, and Wednesday May 5, 2015 and show cause why she should not be found in violation of Title III of the “Campaign Finance Act of 2012”, and fined accordingly.

Summary of Evidence

All Notices of Hearing were sent to Respondent to her address of record via regular mail, with the second Notice of Hearing sent via certified mail through the US Postal Service. All Notice of Hearing were also sent via electronic mail to: AtAnderson2@gmail.com.

Respondent failed to appear for the initial scheduled hearing that was to take place on Tuesday March 17, 2015. On or about Tuesday April 14, 2015 Respondent contacted the OCF, Office of the General Counsel (OGC) via telephone. Respondent requested a postponement and rescheduling of the hearing on the grounds that she was ill with the flu and could not appear. Respondent was instructed to contact the audit division and talk with them about this matter.

The request to postpone the hearing was followed by an email, in the email Respondent stated that she left messages for the auditor Mr. Jackson (Erick) and the supervisory auditor Ms. Coleman-Rollins (Renee). OGC later discussed the matter with Mr. Jackson, and it was decided to grant the postponement and reschedule the hearing. The hearing was rescheduled for Wednesday May 5, 2015. The Notice of Hearing was sent to Respondent by mail and via electronic mail to AtAnderson2@gmail.com.

Respondent failed to appear for the hearing scheduled for Wednesday May 5, 2015. She failed to contact the OCF, Office of General Counsel and RAAD to offer an explanation for her absence. It is presumed that Respondent's absence is negliable if not, willful and intentional. Therefore, Respondent is found in violation of Title III of the District of Columbia Campaign Reform Act of 2011 by default judgment.

Findings of Fact

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

1. Respondent is the treasurer of record and the candidate for the Anderson Ward 4 Council campaign committee.
2. Respondent committee on two (2) different occasions was notified that they had to respond to a request for additional information (RFAI) within fifth teen days (15) from the date of the requests.
3. The first RFAI was sent to Respondent on or about February 9, 2015, and the second RFAI was sent to Respondent on or about March 12, 2015. Respondent failed to respond to the RFAI, and the matter was forwarded to the OGC for hearing and adjudication.
4. On or about April 14, 2015, Respondent contacted the OGC after receiving the Notice of Hearing Order.

5. Respondent requested a postponement and rescheduling of the hearing because she was sick with the flu and was not able to appear for the hearing scheduled for April 14, 2015.
6. The request for a postponement was granted and the hearing was rescheduled for Wednesday May 5, 2015.
7. Respondent was notified of the rescheduled hearing via the mail and via electronic mail to: AtAnderson2@gmail.com. The letter sent via the postal service was not returned to the OGC marked "undeliverable", and the computer program indicated that the email was delivered successfully.
8. Respondent failed to appear for the rescheduled hearing, and has not contacted the OGC and/or RAAD to address the issues that are in question, in this case.
9. Therefore, Respondent is found in violation for failure to respond to RFAI in **Docket No: 2015 R-014** by default judgment.

Conclusions of Law

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

1. Respondent PCC violated DC Official Code §1-1163.03(a) (1) (A).
2. The penalty established at DC Official Code §1-1163.09, §1-1163.35, 3 DCMR §§3709.2(k), 3711.2(u) and 3711.4 for failure to respond to RFAI is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with DC Official Code 1-1163.35 the respondent may be fined a maximum of \$1,450.00 for failing to respond to RFAI.
4. Pursuant to the DC Official Code 1-1163.35(2) (A), anyone charged with the responsibility of filing reports and documents may be held personally liable for failure to file said documents or reports in a timely manner.

5. 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

In view of the foregoing and information included in the record, I hereby recommend that the Director impose against Acqunette Anderson a fine in the amount of One Thousand Four Hundred Fifty Dollars (\$1,450.00) for failure to respond to the RFAI in **Docket No: 2015 R-014**.

May 29, 2015
Date

Cecily E. Collier-Montgomery
Hearing Officer

Concurrence

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

May 29, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby One Thousand Four Hundred Fifty Dollars (\$1,450.00) for failing to respond to RFAI in **Docket No: 2015 R-014**.

May 29, 2015
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 Acqunetta Anderson C/o Anderson for Ward 4 Council 7247_15th Place, NW Washington, DC 20012 by regular mail and via electronic mail to: AtAnderson2@gmail.com on June 1, 2015.

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NOTICE

Any party adversely affected by and 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.