

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550**

<b>IN THE MATTER OF</b>	)	DATE: February 23, 2010
	)	
Dilshad Albert	)	DOCKET NO.: F09-003
Senior Program Analyst	)	
Office of the Chief Financial Officer	)	
3458 Aviary Way	)	
Woodbridge, VA 22192	)	

**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 D.C. Official Code §1-1106.02 (2001 Edition), Dilshad Albert, Senior Program Analyst, Office of the Chief Financial Officer, failed to timely file, a Financial Disclosure Statement (hereinafter FDS) for calendar year 2008, on or before May 15, 2009, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2009.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 13, 2009, OCF ordered Dilshad Albert (hereinafter Respondent), to appear at a scheduled hearing on August 31, 2009, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

On August 31, 2009, Respondent filed an FDS for calendar year 2008, and submitted an affidavit explaining the untimely filing. In the affidavit, Respondent testified that he did not file in a timely manner because he obtained a new District government job in April 2009. At the time of taking the new position, Respondent testified that his agency did not notify him about the duty to file the FDS. Respondent further testified that he received notice from OCF on August 3, 2009 about his noncompliance, and immediately filed online. Respondent's file shows an online filing on August 3, 2009. Respondent later filed a notarized, hardcopy. Respondent's file shows a record of timely filing since 2007.

**Findings of Fact**

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

1. Respondent was a Senior Program Analyst, Office of the Chief Financial Officer.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2008, on or before June 19, 2009.
3. Respondent filed the required Financial Disclosure Statement on August 31, 2009.
4. Respondent has no history of FDS filing delinquencies.
5. Respondent provided a credible explanation for the filing delinquency in that Respondent switched agencies and his prior agency did not notify him of the duty to file; and upon being advised, Respondent took immediate action to correct his noncompliance by filing.
6. Respondent is currently in compliance with the statute.

**Conclusions of Law**

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

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3 DCMR §§3711.2(aa), 3711.2 and 3711.4 (March 2007, as amended) for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.

4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file is credible in that Respondent switched agencies and his prior agency did not notify him of the duty to file; and Respondent took immediate action to correct his noncompliance provide credible bases for Respondent's failure to timely file.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

\_\_\_\_\_  
02/23/10  
**Date**

\_\_\_\_\_  
**Cecelia N. Townes**  
**Hearing Officer**

**Concurrence**

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

\_\_\_\_\_  
02/23/10  
**Date**

\_\_\_\_\_  
**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

02/23/10

**Date**

Cecily E. Collier-Montgomery  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order on Dilshad Albert, by regular mail, on February 23, 2010.

cc: Chief Natwar M. Gandhi  
Office of the Chief Financial Officer  
1350 Pennsylvania Avenue, NW Suite 203  
Washington, DC 20004

**NOTICE**

Pursuant to 3DCMR §3711.5, any fine imposed by the Director shall become effective on the 16<sup>th</sup> 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, Suite 420, 2000 Fourteenth Street, N.W., Washington, D.C. 20009.