

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

IN THE MATTER OF)	DATE: February 18, 2010
)	
Mohammed R. Ali)	DOCKET NO.: F09-005
Supervisory Electrical Engineer)	
Dept of Consumer & Regulatory Affairs)	
350 Tannery Dr.)	
Gaithersburg, MD 20878)	

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), Mohammed R. Ali, Supervisory Electrical Engineer, Department of Consumer & Regulatory Affairs, 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 Notices of Hearing, Statements of Violations and Orders of Appearance dated August 13, 2009, and September 15, 2009, OCF ordered Mohammed R. Ali (hereinafter Respondent), to appear at scheduled hearings on August 31, 2009, and September 28, 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 September 28, 2009, Respondent filed an FDS for calendar year 2008, and attended the scheduled hearing to explain the untimely filing. Respondent testified that he did not file in a timely manner because, as a former employee, he did not receive an exit interview and no one informed him of the continued duty to file. Respondent also testified that he only received one notice, probably because he recently moved. Respondent's address of record was 6403 Earham Drive Bethesda, MD 20817. Respondent's file shows a record of timely filing since 2003.

Findings of Fact

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

1. Respondent was a Supervisory Electrical Engineer, Department of Consumer & Regulatory Affairs.
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 September 28, 2009.
4. Respondent has no history of FDS filing delinquencies.
5. Respondent provided a credible explanation for the filing delinquency in that it is more likely than not that, following his separation, Respondent's agency did not inform him of the duty to file; Respondent did not receive prior notices because the agency listed an incorrect address; 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 it is more likely than not that, following his separation, Respondent's agency did not inform him of the duty to file; Respondent did not receive prior notices because the agency listed an incorrect address; Respondent has a stellar record for timely filing; 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.

02/18/10
Date

Cecelia N. Townes
Hearing Officer

Concurrence

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

02/18/10
Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

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

02/18/10
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 Mohammed R. Ali, by regular mail, on February 18, 2010.

cc: David D. Clark, Director
Department of Consumer & Regulatory Affairs
941 North Capitol Street, NE
Washington, DC 20002

NOTICE

Pursuant to 3DCMR §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, Suite 420, 2000 Fourteenth Street, N.W., Washington, D.C. 20009.