

**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 24, 2010
)	
Robley Backus)	DOCKET NO.: F09-017
Insurance Operations Supervisor)	
Dept. of Insurance, Securities & Banking)	
9375 Davis Drive)	
Lorton, VA 22079)	

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), Robley Backus, Insurance Operations Supervisor, Department of Insurance, Securities & Banking, 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 Robley Backus (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 14, 2009, Respondent filed an FDS for calendar year 2008, and attended the scheduled hearing, on August 31, 2009, to explain the untimely filing. Respondent testified that he inadvertently forgot to file in a timely manner. Respondent testified that as soon as he realized his error, even before he received the hearing notice, he hand-delivered the FDS to OCF. Respondent's file shows a history of timely filing since 2006.

Findings of Fact

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

1. Respondent was a Insurance Operations Supervisor, Department of Insurance, Securities & Banking.
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 14, 2009.
4. Respondent has no history of FDS filing delinquencies.
5. Respondent provided a credible explanation for the filing delinquency in that Respondent inadvertently forgot to file, and, even before being advised about the scheduled hearing, 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 inadvertently forgot to file, and, even before being advised about the scheduled hearing, Respondent took immediate action to correct his noncompliance, coupled with Respondent's history of timely filing, 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.

02/24/10

Date

Cecelia N. Townes
Hearing Officer

Concurrence

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

02/24/10

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

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

02/24/10

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 Robley Backus, by regular mail, on February 24, 2010.

cc: Commissioner Gennet Purcell
Department of Insurance, Securities & Banking
810 1st Street, NE Suite 701
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.