

**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

Jonathan Brown
Supervisory Fishery Biologist
District Department of the Environment

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DATE: September 14, 2010

DOCKET NO.: F10-029

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), Jonathan Brown, Supervisory Fishery Biologist, District Department of the Environment, failed to timely file, a Financial Disclosure Statement (hereinafter FDS) for calendar year 2009, on or before May 17, 2010, 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 18, 2010.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 17, 2010, OCF ordered Jonathan Brown (hereinafter Respondent), to appear at a scheduled hearing on September 17, 2010, 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 10, 2010, Respondent filed an FDS for calendar year 2009, and submitted an affidavit explaining the untimely filing. In the affidavit, Respondent testified that he no longer worked for the Agency, and was not given notice of the duty to file during an exit interview. Respondent stated that although he received previous notices from OCF, he believed that the FDS no longer applied to him since he was no longer a DC employee or local resident. Respondent immediately rectified the situation upon realizing that owed the duty to file the FDS. Respondent's file shows a record of timely filing since 2009.

Findings of Fact

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

1. Respondent was a Supervisory Fishery Biologist, District Department of the Environment.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2009, on or before June 18, 2010.
3. Respondent filed the required Financial Disclosure Statement on September 10, 2010.
4. Respondent has no history of FDS filing delinquencies.
5. Respondent provided a credible explanation for the filing delinquency in that Respondent no longer works for his Agency; the Agency did not give Respondent notice of the duty to file following separation; Respondent believed OCF notices no longer applied to him since he no longer worked for the Agency; 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 no longer works for his Agency; the Agency did not give Respondent notice of the duty to file following separation; Respondent believed OCF notices no longer applied to him since he no longer worked for the Agency; and upon being advised, Respondent took immediate action to correct his noncompliance by 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.

09/14/10

Date

Cecelia N. Townes
Hearing Officer

Concurrence

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

09/14/10

Date

William O. SanFord
Acting General Counsel

ORDER OF THE DIRECTOR

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

09/14/10

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 Jonathan Brown, by regular mail, on September 16, 2010.

cc: _____
Christoper A. G. Tulou
Director
District Department of the Environment
1200 First Street, NE 5th Floor
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.