

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>th</sup> STREET, N.W., SUITE 433  
WASHINGTON, D.C. 20009  
Telephone: (202) 671-0547  
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IN THE MATTER OF

Trayon White for Ward 8 2015  
Trayon White, Treasurer  
1109 Wahler Place, SE  
Washington, DC 20032

)  
) Date: March 11, 2016  
)  
) Docket No: 15C-093  
)  
)

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Public Information and Records Management Division that pursuant to the Campaign Finance Act of 2011, District of Columbia Official Code § 1-1163.09(b) (2015) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (January 2015), **TRAYON WHITE**, Treasurer of the Trayon White for Ward 8 2015 Principal Campaign Committee (“committee”), failed to timely file the December 10<sup>th</sup> Report of Receipts and Expenditures that was due on Thursday, December 10, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated December 29, 2015 and February 1, 2016, OCF ordered Trayon White (“Respondent”) to appear at a scheduled hearing on January 17, 2016 and February 11, 2016 and show cause why the Respondent should not be found in violation of the D.C. Official Code § 1-1163.09(b) (2015) and 3 DCMR § 3017.2 (January 2015), and fined accordingly.

**Summary of Evidence**

On November 13, 2015, the Public Information and Records Management (“PIRM”) Division mailed a reminder letter to the Respondent that reminded Respondent to file the December 10<sup>th</sup> Report of Receipts and Expenditures (“R&E Report”) on Thursday, December 10, 2015. Respondent did not file the R&E Report by the due date. On December 29, 2015, OCF issued a Notice of Hearing, Statement of Violations and Order of Appearance to the Respondent, via regular mail, ordering the Respondent to appear at a scheduled hearing on January 12, 2016. The Respondent failed to appear at the scheduled hearing and had not filed the December 10<sup>th</sup> Report. On February 1, 2016, OCF issued another Notice of Hearing, Statement of Violations and Order of Appearance to the Respondent, via regular and certified mail, ordering the Respondent to appear at a rescheduled hearing on February 11, 2016. Again, the Respondent failed to appear at the scheduled hearing and had not filed the December 10<sup>th</sup> Report.

On February 12, 2016, Respondent submitted a written Statement of Explanation ("Statement") detailing the reasons for the untimely filing of the December 10<sup>th</sup> Report. In the Statement, Respondent stated that he had a hearing at OCF on November 23, 2015. In the Statement, Respondent alleged that he submitted a written termination report at that time; and therefore, did not understand why the committee was required to file the December 10<sup>th</sup> Report. OCF found no record of a written termination report submitted by the Respondent on November 23, 2015. Furthermore, Respondent could not produce a copy of the written termination report that he allegedly filed on November 23, 2015. Finally, having reviewed the record of the proceeding held on November 23, 2015, OCF discovered that the Respondent was told that he could not file a written termination report and that such report had to be filed online only.

On February 12, 2016, the Respondent filed the December 10<sup>th</sup> Report and a Termination Report. Respondent filed the December 10<sup>th</sup> Report forty-two (42) days past the filing date and has a history of other delinquent filings. However, the Respondent is now in compliance with his filing obligations; and therefore, has shown good cause for a recommendation of a reduced fine.

**Findings of Fact**

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

1. Respondent is the treasurer of the Trayon White for Ward 8 2015 Principal Campaign Committee.
2. Respondent was required to file the December 10<sup>th</sup> Report of Receipts and Expenditures by Thursday, December 10, 2015.
3. On November 13, 2015, PIRM mailed a reminder letter to the Respondent, reminding to file the December 10<sup>th</sup> Report of Receipts and Expenditures.
4. Respondent failed to file the December 10<sup>th</sup> Report of Receipts and Expenditures on Thursday, December 10, 2015.
5. Respondent failed to appear at both scheduled hearings on January 12, 2016 and February 11, 2016.
6. Respondent's Statement alleged that he filed a written termination report on November 23, 2015; however, at that time Respondent was told that he could not file a written report and must file the report online.
7. On February 12, 2016, the Respondent filed the December 10<sup>th</sup> Report and a Termination Report.
8. Respondent filed the December 10<sup>th</sup> Report forty-two (42) days past the filing date and has a history of other delinquent filings.
9. However, the Respondent is now in compliance with his filing obligations; and therefore, has shown good cause for a recommendation of a reduced fine.

Conclusions of Law

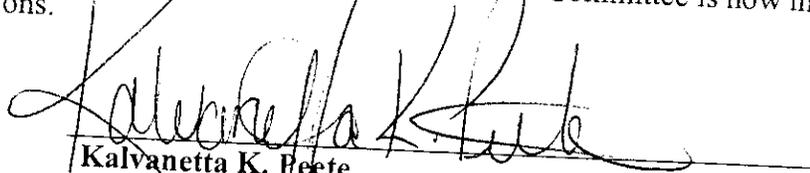
Based on the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code § 1-1163.09)(b) (2015) and 3 DCMR § 3017.2 (January 2015).
2. 3 DCMR § 3711.2(f) establishes a fifty dollar (\$50) fine for failure to timely file a Report of Receipts and Expenditures.
3. 3 DCMR § 3711.1 maintains that a fine shall attach for each day of noncompliance; up to a maximum of \$2,100.00, pursuant to D.C. Official Code § 1-1163.35(a)(3).
4. Director may ministerially impose fines upon the candidate, treasurer, committee, or designated agent, pursuant to 3 DCMR § 3711.1
5. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent failed to file the December 10<sup>th</sup> Report of Receipts and Expenditures on Thursday, December 10, 2015 and failed to appear at both scheduled hearing on January 12, 2016 and February 11, 2016.
7. Respondent's Statement alleged that he filed a written termination report on November 23, 2015; however, at that time Respondent was told that he could not file a written report and must file the report online.
8. On February 12, 2016, the Respondent filed the December 10<sup>th</sup> Report and a Termination Report.
9. Respondent filed the December 10<sup>th</sup> Report forty-two (42) days past the filing date and has a history of other delinquent filings.
10. However, the Respondent is now in compliance with his filing obligations; and therefore, has shown good cause for a recommendation of a reduced fine.

Recommendation

In view of the foregoing and information included in the record, the Director may impose a maximum fine of \$2,100.00 in this matter; however, I HEREBY RECOMMEND that the Director impose a reduced fine of \$550.00 upon the Committee because the Committee is now in compliance with its filing obligations.

March 11, 2016  
Date

  
Kalvanetta K. Peete  
Hearing Officer

Concurrence

In view of the foregoing, I hereby **CONCUR** with the Recommendation.

March 11, 2016  
Date

William O. Sanford  
William O. Sanford  
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$550.00 shall be imposed upon the Committee in this matter.

March 11, 2016  
Date

Cecily E. Collier-Montgomery  
Cecily E. Collier-Montgomery  
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** has been served on Trayon White, Treasurer, via regular and certified mail at 1109 Wahler Place, SE, Washington DC 20032 on this 11th day of March 2016.

[Signature]

Notice

Any party adversely affected by an Order of the Director may: (1) file a Motion for Reconsideration (Motion) with the OCF within five (5) days after receipt of an Order, provided that, relevant evidence was omitted from consideration at the hearing (3 DCMR § 3709.13); or (2) obtain review of the Order by filing a request for a hearing *de novo* with the Board of Elections within fifteen (15) days from the date of issuance of an Order. Any fine imposed by the Director, pursuant to § 3711.2 shall become effective on the sixteenth (16<sup>th</sup>) day following the issuance of a decision or Order; provided that, the Respondent does not request a hearing *de novo* with the Board of Elections. Fines imposed shall be paid within ten (10) days of the effective date of the issued Order of the Director. Make payment by check or money order, payable to: District of Columbia Treasurer. Send payment to the Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14<sup>th</sup> Street NW, Suite 433, Washington, DC 20009.