

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

**The D.C. Office of,  
Campaign Finance,**

**Petitioner,**

**v.**

**Courtney Snowden,**

**Respondent.**

**Administrative Hearing  
Docket No. 23-001  
Enforcement of OCF  
Order In 21C-015**

**MEMORANDUM OPINION AND ORDER**

This matter came before the Board on January 4, 2023 pursuant to the submission of a Petition by the Office of Campaign Finance (hereinafter “OCF”) for Enforcement of its May 11, 2021 Order (“Order”) imposing a fine of \$1,650.00 dollars against the Friends of Courtney R. Snowden, principal campaign committee, and Courtney Snowden, candidate/treasurer (“Respondent”). The fine was imposed for failure to timely file the January 31<sup>st</sup> Report of Receipts and Expenditures (“R&E Report”) due, in accordance with D.C. Official Code § 1-1163.09(b).<sup>1</sup>

Pursuant to D.C. Official Code § 1-1163.09(a), each treasurer of a political committee that supports a candidate “shall file with the Director of Campaign Finance ... reports of receipts and expenditures on forms to be prescribed or approved by the Director of Campaign Finance.” Such reports “shall be filed ... by the 31<sup>st</sup> day of January of each year.”<sup>2</sup>

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<sup>1</sup> OCF extended the deadline for the submission of the R & E Report to February 19, 2021.

<sup>2</sup> D.C. Code § 1-1163.09(b).

OCF's Director is authorized to address noncompliance with campaign finance reporting and disclosure requirements through informal hearing proceedings.<sup>3</sup> OCF's regulations require notice of an informal hearing and establish the content of such notice, including that "an alleged violator of the reporting requirements shall be informed of ... [t]he fact that service of process shall be by regular mail."<sup>4</sup> If the alleged violator (or respondent) fails to appear at the informal hearing, OCF's Director must, under the applicable regulation, reschedule the informal hearing and "[s]erve the respondent both by certified and regular mail."<sup>5</sup> Where the respondent violator fails to appear at a rescheduled hearing, OCF may proceed in the absence of that party and shall issue a determination as to whether a violation has occurred and as to any fine.<sup>6</sup> A motion for reconsideration by OCF of an order finding a violation must be filed within five (5) days of OCF's order.<sup>7</sup> A party adversely affected by such order may also, within fifteen (15) days of the order or of any OCF decision on reconsideration, seek from the Board *de novo* review of OCF's order or decision on reconsideration.<sup>8</sup> "If the person against whom a civil penalty is assessed fails to pay the penalty, the [Board] shall file a petition for enforcement of its order assessing the penalty in the Superior Court of the District of Columbia."<sup>9</sup>

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<sup>3</sup> 3 DCMR § 3709.1.

<sup>4</sup> 3 DCMR §§ 3709.3 and 3709.4(f).

<sup>5</sup> 3 DCMR § 3709.8.

<sup>6</sup> 3 DCMR §§ 3709.9 and 3 DCMR § 3709.10.

<sup>7</sup> 3 DCMR § 3709.13.

<sup>8</sup> 3 DCMR § 3709.12.

<sup>9</sup> D.C. Code § 1-1163.35(a)(5).

In its Petition for Enforcement, OCF advises that the Respondent did not file the R & E Report. Accordingly, OCF issued a Notice of Hearing, Statement of Violations, and Order of Appearance (“Notice of Hearing”) dated March 1, 2021, ordering the Respondent to appear at an informal hearing on March 16, 2021, and show cause why she should not be found in violation of the D.C. Campaign Finance Act of 2011, as amended by D.C. Official Code § 1-1163.01 *et seq.*, and fined accordingly.<sup>10</sup> The Respondent did not appear at the March 16, 2021 OCF informal hearing.

The Petition for Enforcement explains that OCF then rescheduled the informal hearing for April 7, 2021, and issued to the Respondent an amended Notice of Hearing dated March 22, 2022, to reflect the rescheduled hearing date.<sup>11</sup> The Respondent did not appear at the rescheduled April 7, 2021 hearing.

OCF convened each hearing in the Respondent’s absence, issued the Order imposing the \$1,650.00 fine, and when the fine went unpaid, transmitted to the Board the pending Petition for Enforcement so as to obtain ultimately an order from the D.C. Superior Court enforcing the fine.

On September 30, 2022, the Board’s Office of General Counsel sent, by certified and by email, a notice to the Respondent that, on October 26, 2022, the Board’s Office of General Counsel would convene a pre-hearing conference on OCF’s Petition for Enforcement.<sup>12</sup> On October 19, 2022, the Respondent emailed the Board’s Office of General Counsel that she would be unable to attend the pre-hearing conference. In her email, she indicated that she needed assistance closing down the committee that was subject to the reporting requirements and that she intended to pay

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<sup>10</sup> Although the regulations require that this notice be sent by regular mail, OCF served the Respondent *via* email only.

<sup>11</sup> While the regulations require that this notice be sent by certified mail, OCF again served the Respondent *via* email only.

<sup>12</sup> 3 DCMR § 415.1 (authorizing the Board’s General Counsel to convene pre-hearing conferences).

the fine. OCF points of contact for assisting Respondent were promptly provided to her. As of the date of the pre-hearing conference, however, the Respondent had not paid the fine. At that time, the Board's Office of General Counsel emailed the Respondent regarding her apparent inability to resolve the fine and offered to schedule a further pre-hearing conference on October 27. Late on the evening of October 26, 2022, the Respondent relayed *via* email that she was still attempting to ascertain how to pay the fine. The next day, the Office of General Counsel reached out to OCF and requested that that office assist the Respondent with her payment.

On December 12, 2022, OCF notified the Board's Office of General Counsel that it wished to proceed with enforcing several pending enforcement matters regarding late filed reports, including the Respondent's case. Based on OCF's expression of an intent to move forward with enforcement, the Board's Office of General Counsel, on December 15, 2022, sent by certified mail to the physical address for the Respondent in the OCF record and by electronic mail to the email address in the OCF record, a notice that the Board would hear OCF's Petition on January 4, 2023. On December 23, 2022, a certified mail notice of the January 4, 2023 hearing was also sent to another address for the Respondent that appears on the Board's voter roll.

At the January 4 hearing, the Respondent failed to appear. OCF's General Counsel, William SanFord, was present and confirmed that the fine imposed on the Respondent remains unpaid.

At all times pertinent hereto, Respondent was required to file the R & E Report by the required due date. OCF has shown, by substantial evidence,<sup>13</sup> the Respondent's failure to comply with the campaign finance laws. Further, the fine imposed on the Respondent of \$1,650.00 is wholly justified. Despite numerous attempts on the part of the Office of the General Counsel to

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<sup>13</sup> 3 DCMR § 423.5 (requiring OCF to prove violations by substantial evidence).

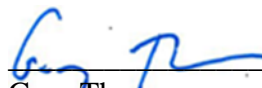
meet with the Respondent and arrange a settlement, the Respondent has not moved forward to resolve this matter and the payment of the fine remains outstanding.<sup>14</sup> As noted above, the law provides that “[i]f the person against whom a civil penalty is assessed fails to pay the penalty, the Elections Board *shall* file a petition for enforcement of its order assessing the penalty in the Superior Court of the District of Columbia.” D.C. Code § 1-1163.35(a)(5) (emphasis added).

Accordingly, it is hereby

**ORDERED** that OCF’s Petition for Enforcement in this matter is granted and the General Counsel shall promptly commence an action in the D.C. Superior Court for judicial enforcement of the \$1,650 civil penalty against Courtney Snowden.

The Board issues this written order today, which is consistent with its oral ruling rendered on January 4, 2023.

Date: January 9, 2023

  
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Gary Thompson  
Chair  
Board of Elections

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<sup>14</sup> We find OCF’s failure to comply with the service requirements that applied to its hearing proceedings to be harmless where, as here, the Respondent acknowledged awareness of the proceedings against her through her email communications regarding the prehearing conference before the Board’s Office of General Counsel and given that that office has sent Respondent three notices by certified mail of the existence of Board proceedings in this matter.