

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

The D.C. Office of Campaign Finance)

Petitioner,)

v.)

Paula Pyne-Hebron, Candidate)
ANC Commission 4A06)

Respondent.)

**Administrative Hearing
Docket No. 00-001**

MEMORANDUM OPINION AND ORDER

This matter came to be heard by the Board on Wednesday, February 2, 2000 at 10:00 a.m. pursuant to the submission of a Petition by the Office of Campaign Finance (hereinafter "OCF") for Enforcement of its July 7, 1999 Order ("Order") imposing a fine of \$500 against Paula Pyne-Hebron, candidate for the Office of Member of Advisory Neighborhood Commission (ANC) 4A06 (hereinafter "the Respondent"). The fines were imposed as a result of the Respondent's failure to timely file an ANC Summary Financial Statement ("Statement") by the due date as required by 3 D.C.M.R. § 3002.5.

The Respondent was a candidate for the office of ANC Commissioner in single-member district 4A06 in the November 3, 1998 General Election. 3 D.C.M.R. § 3002.5 provides that "[a]ll candidates for Advisory Neighborhood Commissioner ... shall file an ANC Summary Financial Statement no later than thirty (30) days after an election." Accordingly, the Respondent was required to file such Statement by December 3, 1998. The Respondent failed to do so.

By Notice of Hearing, Statement of Violations and Order of Appearance dated April 27, 1999, the Office of Campaign Finance ordered the Respondent to appear at a hearing scheduled on May 7, 1999, and show cause why she 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. Code § 1-1401 et seq. ("the Act") and fined accordingly. The Respondent failed to appear at this hearing.

The penalty established at 3 DCMR §§ 3711.2(cc) for failure to file the Statement as required by 3 D.C.M.R. § 3002.5 is a fine of \$30.00 per day for each business day subsequent to the due date for each violation. On July 7, 1999, the Director of OCF issued the Order imposing a fine of \$500.00 against the Respondent for failure to file the Statement in violation of 3 D.C.M.R. § 3002.5.¹ This Order became effective on July 23, 1999, in the absence of a request for review of the penalty by the Respondent Committee to the Board, pursuant to 3 DCMR § 3711.5.² Payment of the fine was due no later than August 2, 1999, pursuant to 3 DCMR § 3711.7.³ As of October 20, 1999, the Respondent had failed to pay the fine imposed by the Order of the Director issued July 7, 1999.

On October 28, 1999, OCF transmitted a Petition for Enforcement of its Order to the Office of the General Counsel for the Board. The General Counsel held a pre-hearing conference in the matter on Tuesday, December 21, 1999. Despite being served with notice of this conference by mail on November 26, 1999 and by hand delivery on December 8, 1999, the Respondent failed to appear. A hearing in this matter was held

¹ Pursuant to D.C. Code § 1-1435(a)(3) and 3 D.C.M.R. § 3711.3, the aggregate of penalties imposed under the Director's authority may not exceed five hundred dollars (\$500) for each violation.

² 3 D.C.M.R. § 3711.5 provides that "[a]ny fine imposed by the Director under § 3711.2 shall become effective on the sixteenth (16th) day following the issuance of a decision and order; Provided that the respondent does not request a hearing under § 3709.12."

³ 3 D.C.M.R. § 3711.7 provides that "[f]ines imposed under [Chapter 37, "Investigations and Hearings"] shall be paid within ten (10) days of the effective date."

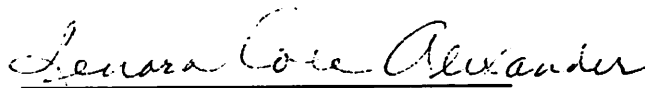
before the Board on Wednesday, February 2, 2000. Despite being served with notice of this hearing by certified mail on December 22, 1999 and by regular mail on January 28, 2000, the Respondent Candidate again failed to appear.

D.C. Code § 1-1435 provides that “[i]f the person against whom a civil penalty is assessed fails to pay the penalty, the Board shall file a petition for the enforcement of its order assessing the penalty in the Superior Court of the District of Columbia.” OCF has shown that the fine of \$500.00 imposed against the Respondent was wholly justified. Despite attempts on the part of the Office of the General Counsel to meet with the Respondent and make arrangements to settle the matter, the Respondent has not demonstrated a willingness to do so.

Accordingly, it is this 4th day of February, 2000,

ORDERED that the Order of the Director of be enforced and that a Petition for the Enforcement of Order be filed in Superior Court forthwith.

February 4, 2000
DATE


Dr. Lenora Cole Alexander
Acting Chair, D.C. Board of Elections and
Ethics