

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In Re:

Janeese Lewis George,
Julia Howell Barros,
and Janeese for DC,
Petitioners.

Administrative Hearing
Case No. 26-066
Review of OCF Order
In 2026 FI-007

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections (the “Board”) on October 7, 2026 at a hearing convened to address a request for *de novo* review of a June 12, 2026 order (the “Order”) issued by the Office of Campaign Finance (the “OCF”). The request was filed by Janeese Lewis George, a candidate for the 2026 Democratic Primary Election Mayoral nomination (the “Candidate”); Julia Howell Barros, the treasurer for the Candidate’s campaign (the “Treasurer”); and Janeese for DC, the principal campaign committee for the Candidate’s campaign (collectively, the “Campaign”). The issue addressed at the hearing was a threshold question as to whether the Campaign timely sought Board review. Board Chair Gregory McCarthy and members Karyn Greenfield and Michael Wakefield presided over the hearing. The Campaign was represented by attorney Jessica Robinson. OCF was represented by its General Counsel, William SanFord. The Board’s General Counsel, Terri Stroud, was also present.

Background

On December 1, 2025, the Candidate registered with OCF in connection with her candidacy for the Democratic party nomination for the office of D.C. Mayor. The Candidate designated “Janeese for DC” as the name of her campaign and Julia Howell Barros as her Treasurer.

On April 24, 2024, Kevin Sobkoviak filed with OCF a complaint in which he made allegations of improper campaign finance activity based on the relationship between the

Campaign, various unions, a political action committee, and an Independent Expenditure Committee. Sobkoviak's filing, which was supplemented on May 1, 2026, resulted in a full investigation by OCF and the issuance of an order imposing fines on the Campaign that issued on June 12, 2026.¹

On June 17, 2026, the Campaign timely sought reconsideration of the Order by OCF.

On June 23, 2026, OCF issued an order denying reconsideration. The certificate of service for the denial of reconsideration states that it was served via email on June 23, 2026.

The Campaign submitted a pleading to the Board's General Counsel via email captioned "Request For Hearing De Novo Pursuant To 3 D.C. Mun. Reg. §3709.11." The request portion of the Campaign's submission is twenty-eight (28) pages long. Attached to that are several exhibits and the certificate of service, all of which bring the entire submission to one hundred and fifty-eight (158) pages. The email forwarding the Campaign's *de novo* review request was received on July 9, 2026. The certificate of service for the pleading states that it was served "on this 9th day of July, 2026."

On July 10, 2026, OCF General Counsel SanFord sent an email to the Board's Office of General Counsel ("OGC") that raised the issue of the timeliness of the Campaign's *de novo* review request. On July 15, 2026, General Counsel SanFord submitted to OGC a written pleading that

¹ The certificate of service at the end of the Order represents that it was served via email on June 12, 2026. Following the certificate of service, the following language appears:

NOTICE

Any party adversely affected by any Order of the Director may: (1) file a Motion for Reconsideration (Motion) with OCF within five (5) days after receipt of an Order, provided that, relevant evidence was omitted from consideration at hearing (3DCMR §3709.13)(May 2015); or 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.

Order at p. 40 (emphasis in original). The Notice goes on to address when the fine imposed becomes effective and is due.

was captioned, “Motion To Dismiss For Failure To Timely File A Request For A Hearing De Novo.” In its pleading, OCF contends that the deadline for the Campaign to seek *de novo* review was July 8, 2026, and that therefore the request was submitted late and should be denied.

On July 17, 2026, OGC directed the Campaign to respond to OCF’s motion by July 24, 2026. The Campaign timely responded and opposed OCF’s position that the Campaign’s *de novo* review request should be dismissed as untimely filed. The Campaign also moved the Board to accept its late-filed *de novo* review request for reasons of “excusable neglect”. The Campaign’s submissions explained that the Campaign’s counsel attempted to email the request for *de novo* review with multiple exhibits from her home computer to the Board’s Office of General Counsel approximately 30 minutes before the filing deadline. She received a notification in response to her attempted submission that indicated that it was not sent due to its large size. Counsel then emailed the request portion of her submission without the exhibits and believed that that email was timely sent and received before midnight on July 8, 2026. Later, and shortly after the filing deadline had passed, the Campaign’s counsel ascertained that her home internet had been down and that her attempted emails had not been sent. She resolved her connectivity issues and subsequently re-dated the *de novo* hearing request and re-emailed that request along with the exhibits approximately an hour and a half after the filing deadline. The Campaign argues that its *de novo* request should be accepted because it acted in good faith, the delay was minimal and had no material impact, the reason for the delay was outside of counsel’s control, and there is no prejudice to OCF or the proceedings because the merits will be argued and brief in any event.

On September 29, 2026, OGC conducted a prehearing conference in the matter. The prehearing conference was attended by all counsel filing *de novo* review requests from the Order and by OCF’s General Counsel, Mr. SanFord.

On October 7, 2026, this matter was presented at a hearing before the Board. The assigned OGC attorney briefed the Board on the procedural history and the prehearing conference proceedings. The Campaign's counsel and Mr. SanFord were offered an opportunity to argue the issue of whether the Campaign's request for *de novo* review should be dismissed as untimely. The Campaign's counsel took full responsibility for the late filing. She described her technical difficulties in making the filing and, in response to questions from the Board Chair as to why she waited until the evening of the deadline, explained that she needed her client's comments on the filing, had to make the necessary revisions, and then lost the changes that she made due to the underlying technical issues.

After listening to argument from counsel, the Board went into executive session to obtain advice from the Board's General Counsel. When the Board reconvened on the record, a motion was made to grant the request for leave to file out-of-time and allow the Campaign's *de novo* review request to proceed. The motion was duly seconded and passed unanimously.

Analysis

There is no dispute that the Campaign's request for *de novo* review was untimely as it was filed after the July 8, 2026 deadline.² Nevertheless, the Campaign has requested that the Board accept its late-filed appeal. In that regard, the Board's hearing rules provide that

² OCF's regulations at 3 DCMR provide in pertinent part that a party adversely affected by an OCF order can seek *de novo* Board review "[w]ithin fifteen (15) days from the issuance ... of the order". 3 DCMR §§3709.11-12. The regulations go on, however, to allow for the filing with OCF of a Motion for Reconsideration and that OCF shall issue a determination on such Motion within five (5) days. 3 DCMR §§ 3709.13 and 3709.15. Notably, the regulations also provide:

3709.16 The filing of the Motion [for Reconsideration] shall toll the appeal period for requesting a hearing *de novo* before the Board of Elections, or the payment of the fine.

3709.17 The appeal period shall be recalculated from the date of issuance of the subsequent order of the Director in the matter, if appropriate.

As noted above, OCF issued an order denying the Campaign's motion for reconsideration on June 23, 2026. As per the above regulations, that further order restarted the fifteen-day period for seeking Board review. The fifteenth day after June 23 is July 8, 2026. Accordingly, the Campaign's July 9, 2026 request for *de novo* review was one day late.

- [w]hen an act is required or allowed to be done at or within a specified time, the Board for cause shown may at any time in its discretion, do either of the following:
- (a) With or without motion or notice, order the period enlarged, if a request for enlargement of time is made before the expiration of the period originally prescribed or as extended by a previous order; or
 - (b) Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

3 DCMR 401.7. In other words, the Board’s regulations allow it to extend the July 8, 2026 deadline if either (1) a request for more time is filed before the deadline expires or (2) where the deadline has expired, such a request is made based on excusable neglect. The Campaign did not file a request for more time prior to the end of the day of July 8, 2026. Accordingly, the first basis for extending the appeal deadline cannot be satisfied, and the deadline for seeking *de novo* review of OCF’s June 12, 2026 order can only be extended upon a showing of “excusable neglect.”

The Board’s regulations do not include a definition of “excusable neglect”. However, in considering that concept with respect to missed court deadlines, the D.C. Court of Appeals has stated that “[t]o demonstrate excusable neglect, appellant must show lack of knowledge of entry of a judgment, extraordinary circumstances such as physical disability or unusual delay in transmission of the mail, or unique circumstances.” *In re Ak. V.*, 747 A.2d 570, 574 (D.C. 2000). That court has also looked to factors identified by the Supreme Court in assessing whether “excusable neglect” exists:

The Supreme Court has held that the phrase “excusable neglect” permits a court, “where appropriate, to accept late filings caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond the party’s control.” *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 388, 113 S.Ct. 1489, 123 L.Ed.2d 74 (1993) (interpreting “excusable neglect” as used in similar federal bankruptcy rule). Determining whether a party’s neglect is excusable “is at bottom an equitable one, taking [into] account ... all relevant circumstances surrounding the party’s omission.” *Id.* at 395, 113 S.Ct. 1489. The factors a court considers include “the danger of prejudice [to other parties], the length of the delay and its potential impact on judicial proceedings, the reason for

the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith.” *Id.*

In re Estate of Yates, 988 A.2d 466, 468 (D.C. 2010). In *Pioneer Inv. Serv. v. Brunswick Assocs.*, the Supreme Court rejected the notion that litigants can show excusable neglect based on the otherwise inexcusable failures of their counsel. In determining whether excusable neglect exists, the courts consider *all* four *Pioneer* factors. *Admasu v. 7-11 Food Store No.11731G/21926D*, 108 A.3d 357, 363 (D.C. Cir. 2015). Even if the late-filing party is able to satisfy some of the factors, their neglect may not be excused if the balance of those factors weighs against them.³

As noted above, the Campaign’s position is that the deadline for seeking *de novo* review should be extended because there is no prejudice to OCF or the proceedings because the merits will be argued and briefed in any event, the delay was minimal and had no material impact, the reason for the delay was outside of counsel’s control, and it acted in good faith. We consider each of the Campaign’s reasons for granting an extension through the lens of *Pioneer*’s factors.

With respect to the danger of prejudice to other parties, this is not a typical litigation situation involving traditional parties. This proceeding involves review of an enforcement decision by OCF, a government agency subject to the Board’s oversight. In that context, we do not find that granting the Campaign’s request would prejudice OCF under these circumstances. Rather, we find that allowing review would permit the Board to fulfill its oversight responsibilities and clarify the legal requirements applicable to OCF’s enforcement decisions.

As to the length of the delay and its potential impact on the proceedings, the delay was brief and did not materially affect the other parties’ access to the filing. The Board’s attorneys,

³ *In re American Classic Voyages Co.*, 405 F.3d 127, 133 (3d Cir.2005) (three of the four *Pioneer* factors weighed against finding excusable neglect, the court emphasized that “[a]ll [*Pioneer*] factors must be considered and balanced; no one factor trumps the others.”); *LHL Realty Company LLC DC v. District of Columbia*, 357 A.3d 1165, 1177 (D.C. 2026) (noting that where the reason for the delay was within the party’s control is only one of four factors to be balanced).

OCF, and the other parties could access it on the morning of July 9, just as they could have if the Campaign's counsel had been able to file before midnight the evening prior. Further, granting the Campaign's request for would also have little impact on the proceedings because the facts and law with respect to one of the two issues raised by the Campaign would still have to be addressed in connection with S&A DC's request for *de novo* review.

As to the reason for the delay and whether that delay was within the reasonable control of the Campaign's counsel, the weight of authority indicates that internet issues are not beyond counsel's control.⁴

Finally, with respect to "good faith," courts have indicated that it can be satisfied with a showing of a lack of bad faith. "Good faith" has been relied upon to grant extensions where, for example, the litigant took immediate corrective action with respect to their untimeliness,⁵ whereas, delay in mitigating a missed deadline indicates lack of both diligence and good faith.⁶ There is no

⁴ *Starbucks Corporation v. National Labor Relations Board*, 2025 WL 1135120, *3 (D.C. Cir. April 17, 2025); *Kennedy v. Vickrey*, 2024 WL 1659454, at *3 (D.N.H. April 17, 2024) *dismissal for untimely filing aff'd* (1st Cir. July 23, 2025) (noting that "courts have typically refused to characterize internet connectivity issues as 'excusable neglect'" and citing several examples); *In re Mayo*, 2007 WL 186534, *1 (Bankr.D.VT. January 19, 2007) ("It is not excusable neglect to wait until the last minute to file a time-sensitive motion, and then being prevented from doing so by technical difficulties. See *Huennekens v. Marx (In re Springfield Contracting Corp.)*, 156 B.R. 761, (Bankr.E.D.Va.1993) (holding that it was not excusable neglect to file late notice of appeal where attorney knew of deadline and simply waited until last minute)"). But see *Safex Foundation, Inc. v. SafeLaunch Ventures Limited*, 694 F.Supp.3d 1, 12 n. 4 (D.D.C. 2023) (excusable neglect extension granted for a six-minute late electronic filing of a declaration where the cause was a problem converting a document to pdf and there was no prejudice). The Campaign's counsel relies on *Ventura v. McDonalds Welburn Mgmt.*, 154 A.3d 103, 105-06 (D.C. 2017) where the court clerk received only some of the submitted documents and therefore rejected an otherwise timely filing. She maintains that that case should be controlling because it was issued by our Court of Appeals. There, the appellant filed electronically a day in advance but some of the documents that he submitted were not received and so the clerk rejected his filing. The Court stated: "Finally, the trial court noted Mr. Ventura's prior difficulties with efilings and faulted Mr. Ventura for failing to make earlier attempts to file his notice of appeal, rather than waiting until the day before the deadline. We are doubtful that this consideration weighs significantly against a finding of excusable neglect." We do not think the facts in *Ventura* and the Court's decision support the conclusion that the circumstances here were beyond counsel's control.

⁵ See cases discussed in *Admasu*, *supra*.

⁶ *Howard v. Gutierrez*, 474 F.Supp.2d 41, 57 (D.D.C. 2007).

evidence that the Campaign's counsel filed late for any nefarious reasons. She filed for a waiver of the missed deadline within a reasonably short time after the filing. Under these circumstances, we cannot give much weight to the "good faith" factor.

This is a unique case because of the administrative context in which it arises. Were it not for that, and if there were indeed prejudice to an opposing party that resulted from giving the movant a pass, we would be inclined to reject the untimely request for review. On balance, we think it compelling that the filing was accessed by everyone when it otherwise would have been had it been timely filed the evening before and that there is, from the standpoint of our campaign finance oversight role, some benefit to consideration of the issue that would not have been heard should we deny the Campaign's request. For these reasons, we waive the deadline for seeking *de novo* review and grant the Campaign's request.

Conclusion

For the foregoing reasons, it is hereby

ORDERED that the petition for *de novo* review filed by Janeese Lewis George, Julia Howell Barros, and Janeese for DC is **ACCEPTED**.

We issue this written order today, which is consistent with the Board's oral ruling rendered on October 7, 2026.

Date: October 18, 2026



Gregory McCarthy
Chair
Board of Elections