

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

The D.C. Office of Campaign Finance

Petitioner,

v.

**Administrative Hearing
Docket No. 04-010**

Curtis Hardwick

Respondent.

MEMORANDUM OPINION AND ORDER

This matter came to be heard by the Board on Friday, April 9 2003 at 9:30 a.m. pursuant to the submission of a Petition by the Office of Campaign Finance (hereinafter "OCF") for Enforcement of its September 24, 2003 Order ("Order") imposing a fine of \$2,000.00 against Curtis Hardwick, Supervisory Interstate Compact Program Specialist, Office of Child Family Services. The fine was imposed as a result of the Respondent's failure to timely file a Financial Disclosure Statement ("FDS") for the calendar year 2003 by the due date as required by D.C. Code § 1106.02 (2001 ed.).

The Respondent was employed with the Office of Child Family Services during calendar year 2003. D.C. Code § 1106.02 requires each public official, including members of certain boards and commissions and excepted service employees paid at a rate of GS-13 or above, to file an FDS by May 15th of each year. See D.C. CODE § 1106.02(a), (d). Accordingly, the Respondent was required to file such Statement by May 15, 2003. The Respondent failed to do so.

By Notice of Hearings, Statements of Violations and Orders of Appearance dated August 17, 2003 and August 19, 2003, the Office of Campaign Finance ordered the Respondent to appear at hearings scheduled on August 18, 2003 and August 28, 2003, and September 15, 2003 to 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. Code § 1-1106.01 et seq. (“the Act”) and fined accordingly. The Respondent failed to appear at any of these hearings.

The penalty established at 3 DCMR §§ 3711.2(y) for failure to file the FDS as required by D.C. Code § 1-1106.2(a) is a fine of \$50.00 per day for each business day subsequent to the due date for each violation. On September 24, 2003, the Director of OCF issued the Order imposing a fine of \$2,000.00 against the Respondent for failure to file the FDS by the due date in violation of D.C. Code § 1-1106.2(a). This Order became effective on October 10, 2003, in the absence of a request for review of the penalty by the Respondent to the Board, pursuant to 3 DCMR § 3711.5.¹ Payment of the fine was due no later than October 20, 2003 pursuant to 3 DCMR § 3711.7.² To date, the Respondent had failed to pay the fine imposed by the Order of the Director issued September 24, 2003.

On March 1, 2004, 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 March 23, 2004. Despite being served with notice of this

¹ 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.”

² 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.”

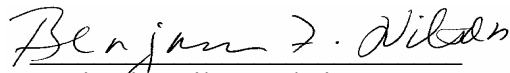
conference by first class mail on Thursday, March 11, 2004, the Respondent failed to appear. A hearing in this matter was held before the Board on April 9, 2004. Despite being served with notice of this hearing by first class mail on March 31, 2004 the Respondent again failed to appear.

D.C. Code § 1-1103.05(b)(4) 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 \$2,000.00 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 9th day of April 2004,

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

April 9, 2004
Date


Benjamin Wilson, Chairman
Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was delivered via first class mail this 12th day of April 2004 to Curtis Hardwick, 2829 Blue Spruce Lane, Silver Spring, MD 20906 and Kathy Williams, Esq., Office of Campaign Finance, 2000 14th Street, NW, Washington, DC 20009.

Rudolph McGann