

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

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|--|---|-------------------------------|
| <b>The D.C. Office of Campaign Finance</b> | ) |                               |
|  | ) |                               |
| <b>Petitioner,</b>                         | ) |                               |
|  | ) |                               |
| v.   | ) | <b>Administrative Hearing</b> |
|  | ) | <b>Docket No. 04-009</b>      |
|  | ) |                               |
| <b>Fayette Vaughn</b>                      | ) |                               |
|  | ) |                               |
|  | ) |                               |
| <b>Respondent.</b>                         | ) |                               |
|  | ) |                               |

**MEMORANDUM OPINION AND ORDER**

This matter came to be heard by the Board on Wednesday, April 9, 2004 at 9:30 a.m. pursuant to the submission of a Petition by the Office of Campaign Finance (hereinafter "OCF") for Enforcement of its January 10, 2003 Order ("Order") imposing a fine of \$2,000.00 against Fayette Vaughn. The fine was imposed as a result of the Respondent's failure to timely file a Financial Disclosure Statement ("FDS") by the due date as required by D.C. Code § 1106.02 (2001 ed.).

The Respondent was a Program Analyst in the Office of the City Administrator during calendar year 2002. 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 15<sup>th</sup> of each year subsequent to the year of service. See D.C. CODE § 1106.02(a), (d). Accordingly, the Respondent was required to file such statement by May 15, 2002. The Respondent failed to do so.

By Notice of Hearings, Statements of Violations and Orders of Appearance dated July 19, 2002 and August 9, 2002, the Office of Campaign Finance ordered the

Respondent to appear at hearings scheduled on August 5, 2002 and August 19, 2002, 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 § 1-1106.01 et seq. (“the Act”) and fined accordingly. The Respondent failed to appear at both 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 January 10, 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 January 27, 2003, in the absence of a request for review of the penalty by the Respondent to the Board, pursuant to 3 DCMR § 3711.5.<sup>1</sup> Payment of the fine was due no later than February 6, 2003 pursuant to 3 DCMR § 3711.7.<sup>2</sup> As of November 3, 2003, the Respondent had failed to pay the fine imposed by the Order of the Director.

On November 3, 2003, 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 November 18, 2003. The Respondent appeared at this pre-hearing conference, and submitted a completed FDS. She also agreed, pursuant to a settlement offer made by an OCF representative, at this time to pay a reduced fine of \$50.00 by no later than December 18, 2003 and thereby resolve the matter. Despite

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<sup>1</sup> 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 (16<sup>th</sup>) day following the issuance of a decision and order; Provided that the respondent does not request a hearing under § 3709.12.”

<sup>2</sup> 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.”

having agreed to this arrangement, the Respondent has failed to fulfill her obligations to pay the reduced \$50.00 fine.

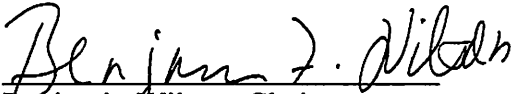
A hearing in this matter was held before the Board on Friday, April 9, 2004. Despite being served with notice of this hearing by hand-delivered mail on March 16, 2004, the Respondent again failed to appear.

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 settle the matter, and the exceedingly generous settlement offer made by a representative from OCF, the Respondent has not demonstrated a willingness to amicably resolve this matter.

Accordingly, it is this 9<sup>th</sup> 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