

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

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

Petitioner,

v.

**Tyrell Holcomb, SMD 7F01,
Tyrell Holcomb, Treasurer**

Respondent.

**Administrative Hearing
Docket No. 19-009**

MEMORANDUM OPINION AND ORDER

This matter came before the Board on Wednesday, October 3rd, 2018 pursuant to the submission of a Petition by the Office of Campaign Finance (hereinafter “OCF”) for Enforcement of its September 28, 2017 Order (“Order”) imposing a fine of \$4,500.00 dollars against Tyrell Holcomb, SMD 7F01, Tyrell Holcomb, Campaign Committee for accepting eighteen (18) excessive contributions totaling \$470 and failing to return the \$470 in excessive contributions in violation of the District of Columbia Official Code Section 1-1163.33(a)(7) and for failing to place identification notice/identity of a sponsor on campaign literature in accordance with to 3 DCMR §3711.2(k).

Pursuant to D.C. Official Code § 1-1163.33(a)(7), “No person, including a business contributor, may make any contribution, and no person may receive any contribution from any contributor, that when aggregated with all other contributions received from that contributor relating to a campaign for nomination as a candidate or election to public office, including both the primary and general election or special elections, exceeds: ... In the case of a contribution in support of a candidate for a member of an Advisory

Neighborhood Commission, \$25.” In addition, Pursuant to 3 DCMR §3711.2(k), the respondent failed to place identification notice/identity of sponsor on campaign literature.

Pursuant to 3 DCMR §§3709.3 and 3709.4, OCF issued to the Respondent a Notice of Hearing, Statement of Violations, and Order of Appearance (“Notice of Hearing”) dated July 13, 2017 and August 22, 2017, ordering him to appear at an informal hearing on July 31, 2017 and September 5, 2017, and show cause why he 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. Pursuant to 3 DCMR § 3709.4(f), the Notice of Hearing was served by regular mail. The Respondent appeared at the September 5th hearing, but failed to provide sufficient evidence that he returned the \$470 in excessive contributions.

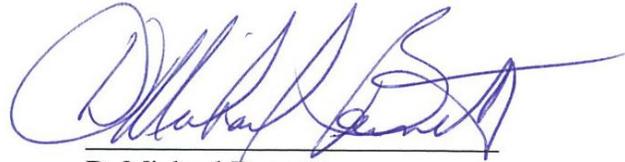
The penalty established by 3 DCMR §§ 3711.2(l) and 3711.2(k), each allegation where the Respondent accepted contributions in excess of the contribution limitation shall constitute a separate violation. In accordance with D.C. Official Code § 1-1163.35(a)(3) and 3 DCMR § 3711.4, Respondent may be fined a maximum of \$4,000 for accepting eighteen (18) excessive contributions totaling \$470 and a maximum of \$500 for failing to place identification notice/identity of a sponsor on campaign literature in accordance with to 3 DCMR §3711.2(k). Under 3 DCMR § 3711.7, for good cause shown, the Director of Campaign Finance may modify, rescind, dismiss, or suspend any fine. On the basis of the record and the recommendation of the Hearing Officer, the Director issued the Order imposing a fine of \$4,500.00 dollars for failure to timely file the accepting and failing to return excessive contributions and for failing to place identification notice/identity of a sponsor on campaign literature on September 28, 2017. The fine of \$4,500.00 became effective on October 20, 2017 the 16th business day following the issuance of the Order of the Director, pursuant to 3 DCMR §§ 3711.5 and 3711.6; and in absence of a request for review of the penalty by Respondent to the Board of Elections, in accordance with 3 DCMR § 3709.11. The deadline for payment of the fine imposed was November 3, 2017 pursuant to 3 DCMR §§ 3711.5 and 3711.8, within 10 business days of the effective date of the issuance of the Order of the Director. To date, the Respondent has failed to pay the fine imposed by the Order.

On December 11, 2017, 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 April 25, 2018. Despite being served by regular mail and electronic mail on April 10, 2018 respectively, the Respondent failed to appear. The Board held a hearing in the matter on Wednesday, October 03, 2018. Despite being served with notice of this hearing by regular mail and electronic mail on September 18, 2018, the Respondent again failed to appear.

D.C. Code § 1-1163.35(a)(4) 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.” OCF has shown that the fine of \$4,500.00 imposed against the Respondent was wholly justified. Despite numerous attempts on the part of the Office of the General Counsel to meet with the Respondent and arrange to settle the matter, the Respondent has not demonstrated a willingness to do so.

Accordingly, it is this 7th day of January, 2019,

ORDERED that the Order of the Director of the Office of Campaign Finance be enforced and that a Petition for the Enforcement of Order be filed with the Superior Court.

A handwritten signature in blue ink, appearing to read "D. Michael Bennett", written over a horizontal line.

D. Michael Bennett
Chairman,
Board of Elections