

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14th STREET, NW SUITE 420
WASHINGTON, DC 20009
(202) 671-0550

IN THE MATTER OF :
DC Citizens Against Catania : DOCKET NO.: 014 P- 022
c/o Elwood "Yango" Sawyer : Date: January 15, 2015
4638 H Street, SE Apt. 105 :
Washington, DC 20019 :

And

Debra G. Rowe :
4219 Nash Street, NE :
Washington, DC 20019 :

And :

5907 Federal Court :
Upper Marlboro, MD 20772 :

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to The Campaign Finance Act of 2011 (The Act), codified in DC Official Code 1-1163.01, Elwood "Yango" Sawyer, and Debra G. Rowe, Eddie Moten, and DC Citizens Against Catania (1) failed to register as a political committee, in violation of DC Code 1_1163.07 (2) failed to file a Receipt and Expenditure Report (hereafter R&E) in violation of DC Code 1-1163.09 and 1-1163.13, and (3) failed to identify source(s) of expenditure in violation of DC Code 1-1163.15.

By Notice of Hearing, Statement of Violations and Order of Appearance dated October 21, 2014, OCF ordered Elwood "Yango" Sawyer and Debra G. Rowe (hereinafter Respondent), to appear at a scheduled hearing on Monday October 27, 2014, and show cause why he/she should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly.

Summary of Evidence

This matter arose from a complaint filed with OCF by Marie Drissel a citizen living in the District of Columbia. Respondents Elwood "Yango" Sawyer and Eddie Moten appeared at the hearing

without legal counsel and acted pro se in this matter. Respondent Debra G. Rowe did not appear for the hearing.

Failure to Register as a Political Committee

Respondent Sawyer testified that "DC Citizens Against Catania" never existed as committee or organization created to oppose David Catania's mayoral election. Respondent stated that the allegation that "DC Citizens Against Catania" was a political committee arose from a newspaper article written in the Washington Post newspaper. Respondent Sawyer admitted that he "coined" the phrase "DC Citizens Against Catania", but stated that he did not intend for it to identify a political committee. Respondent further stated that at no time did he or anyone else (Eddie Moten or Debra G. Rowe) pass out literature and campaign materials opposing Catania's candidacy. Respondent admitted that his efforts were targeted and directed toward the "returning citizens population" (people returning to the community after being incarcerated) to get them to support the candidacy of Muriel Bowser.

Respondent Sawyer admitted that he paid for the T-shirts and posters that bore the phrase "DC Citizens Against Catania". Respondent admitted that he passed the T-shirts out to others who approached him and inquired about them and wanted to wear them. The cost for the T-shirts totaled Four Hundred Ninety Dollars (\$490.00). Respondent further stated that he had 10,000 flyers printed at a cost of One Thousand Seven Hundred and Sixty Dollars (\$1,760.00). At the hearing, Respondent Sawyer presented receipts for the cost of the printing of T-shirts, posters and flyers. Respondent stated that the money to pay for those items came from his personal funds. He further stated that he was only a supporter of the Muriel Bowser's election.

Failure to File a Receipt and Expenditure Report

Respondent Sawyer stated that he was not a member of the Muriel Bowser election committee and that he never worked for her. Nor did he accept money from her committee and he was not paid by Bowser's election committee to campaign against David Catania. Respondent stated that he voluntarily expended his own funds for the materials. He stated that prior to this election he has spent his money on other issues and causes that affect the "returning citizens population" (e.g. "Band the Box").

Failed to Identify Source(s) of Expenditure

Respondent Sawyer stated that the failure to identify the source of expenditure on the posters was a mistake. Respondent stated that he prior to printing the posters had made "flyers" and passed them out to the public. He stated that he did not identify the source of expenditure on the flyers because he was unaware that that information was required. Respondent further stated that he was contacted by OCF regarding this issue. He stated that he appeared at OCF and brought with him the posters that had been revised to include the required information that identified the source of the expenditures.

During the Independent Expenditure hearing, Respondent Sawyer was instructed by OCF to complete and file an Report of Receipts and Expenditures to disclose the monies spent for the T-shirts, posters and flyers purchased. Respondent Sawyer complied with that request and filed the R&E Report on October 27, 2014.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. "DC Citizens Against Catania" is by virtue of its activities and by the statements of Respondent Sawyer, the organizer, engaged in political activity as defined by DC Code 1-1161.01, and is a political committee.
2. Respondent Sawyer should have registered "DC Citizens Against Catania" in accord with DC Code 1-1163.07, and the failure to register is a violation of the DC campaign finance law.
3. Respondent Sawyer established that the purpose of "DC Citizens Against Catania" was to mobilize the "returning citizens populations" for the November 4th election. This group of citizens is primarily those citizens who were formally institutionalized and incarcerated by the criminal justice system.
4. There is insufficient evidence to support the conclusion that "DC Citizens Against Catania" was affiliated, worked for and in conjunction with the Muriel Bowser campaign committee, and did not accept any monies or funding from the Bowser election campaign committee.
5. All expenditures made by Respondent Sawyer to purchase T-shirts, posters and flyers came from the spending his own personal money. He produced receipts to support the expenditures made.
6. Respondent Sawyer was advised that he was required to file an independent Report of Receipts and Expenditures in accordance with D.C. Official Code § 1-1163.09.
7. Respondent Sawyer filed an independent R&E report on October 27, 2014.
8. Respondent Sawyer also after being advised that the campaign materials needed to have the identification of the source of expenditures complied with that requirement and appeared at OCF with samples of the corrected materials.

9. Respondent Sawyer is currently in compliance with the statute.

Conclusions of Law

Based on the record provided by the OCF, I therefore conclude:

1. Respondent PAC violated DC Official Code §1-1163.07.
2. The penalty established at DC Official Code §1-1163.09, §1-1163.35, 3 DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to register "DC Citizens Against Catania" is a fine of \$50.00 per day for each business day out of compliance.
3. Respondent may be fined a maximum penalty of Three Hundred Fifty Dollars (\$350.00) for failure to timely register a political committee and file an independent expenditure report.
4. For good cause shown pursuant to 3 DCMR 3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. There is no evidence to support the allegation and establish that "DC citizens Against Catania" worked for, in conjunction with, and/or was paid by the election campaign committee for Muriel Bowser.
6. The evidence establishes that Respondent Sawyer's motive for creating "DC Citizens Against Catania" was for the purpose of addressing the needs and concerns of citizens who were underserved and "locked out" of the political process as a result of being institutionalized and/or incarcerated in the criminal justice system.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of Three Hundred Fifty Dollars (\$350.00) and suspend the imposition of the fine in this matter.

January 15, 2015
Date

Leonard H. Muhammad
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

January 15, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby suspended.

January 15, 2015
Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Elwood "Yango" Sawyer 4638 H Street, SE #105 Washington, DC 20019 and on Marie Drissel 2135 Bancroft Place, NW Washington, DC 20008, by regular mail, January 20, 2015.

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NOTICE

Any party adversely affected by any order of the Director may obtain review of the order by filing, with the Board of Elections and Ethics, a request for a hearing *de novo*. Pursuant to 3 DCMR §3711.5, any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, 2000 Fourteenth Street, N.W., Suite 433 Washington, DC 20009.