

**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 :

**Two Is Enough DC 2014 :
C/o William V. Jones, III :
4110_5th Street, NW :
Washington, DC 20011 :**

**DOCKET NO.: 014 P-026
December 30, 2014**

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, William V. Jones, III, Chairperson, "Two Is Enough 2014" (hereinafter TIE DC) political action committee, (1) failed to register the political action committee within a timely manner in advance of engaging the voters of the District of Columbia; (2) failed to timely file a Receipt and Expenditure Report (hereafter R&E); and (3) failed to include the proper language on its campaign literature.

By Notice of Hearing, Statement of Violations and Order of Appearance dated October 29, 2014, OCF ordered William V. Jones, III (hereinafter Respondent), to appear at a scheduled hearing on Wednesday November 5, 2014 and show cause why he should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly.

Summary of Evidence

Respondent appeared for the hearing without legal counsel. When asked, Respondent represented that he would act pro se in this matter. Respondent was informed that the Complainant in this matter is Adam Eiding, DC Cannabis Campaign. OCF was represented by Wesley Williams, Supervisor, OCF, Public Information and Records Management (PIRM).

Respondent began by objecting to the hearing because he thought that these issues were resolved in the prior hearing held for "No On 71" initiative.

Respondent in response to the allegations testified that he was the chairperson for TIE DC 2014. He also stated that he was the chairperson for the "No On 71" initiative. Respondent denied that TIE DC was a political committee. He stated that TIE DC was nothing more than a blog that he started to inform the public about the proposed initiative to legalize marijuana in DC, and to encourage the public to oppose the initiative by voting against it in the general election that was held on November 4, 2014.

Respondent further stated that TIE DC did not have members, and their actions were not construed as participating in political matters. Respondent further stated that TIE DC had not collected any monies from the public and did make any expenditures.

Respondent also stated that he began communicating with the OCF in August 2014. The person he communicated with was the PIRM supervisor, Wesley Williams. Respondent stated that he contacted the OCF because it was not his intent to abridge the campaign finance laws, and he wanted to do whatever was appropriated to be in compliance with the DC election laws. Respondent then stated that the fact that he had been in communication with PIRM mitigates any violations that may have occurred prior to forming the "No On 71" initiative committee.

Res Judicata

Respondent asserts that this matter had been resolved at the OCF hearing held for "No On Initiative 71". It is the position of OCF that the issues, facts and circumstances may overlap, but the organizations are different. Thus the issues may have been resolved against the political committee, "No On Initiative 71". The issues in this matter relate to the alleged political activity that Respondent conducted on behalf of TIE DC. The committees are considered to be two separate entities. Therefore, res judicata does not apply to this matter.

Failure to Register the Political Committee

Respondent asserted that TIE DC was only a blog. It was pointed out to Respondent that the TIE DC website under the caption "About Us" states...

" TIE DC stands for Two is Enough, and is a movement by a diverse group of Washington residents concerned about the scourge of a third legal recreational drug in our city...Thus we declare that "Two is enough and urge our fellow citizens to do the same by voting no on initiative 71."

When questioned whether Respondent as chairperson for TIE DC ever campaigned against the legalization of marijuana in the District of Columbia prior to creating the initiative "No On 71", Respondent admitted that he had participated in various meetings and demonstrations held within the DC community.

DC Code 1-1161.01 defines "political committee" as inclusive of "any individual, committee, association or other group of individuals organized for the purpose of or engaged in promoting or opposing...(C) Any initiative, referendum, or recall." The language used in Respondent's web site is in accord with the definition found in the DC Code. TIE DC may have begun as a blog, but it eventually became a full scale political movement which was required to register with OCF.

Moreover, testimony given by Mr. Wesley Williams establishes that Mr. Jones was put on notice in August 2014 that he needed to file a Statement of Organization. Mr. Jones subsequently only filed a Statement of Organization for "No On 71".

Failure to File an R&E Report

Respondent asserts that TIE DC never collected money therefore they were not obligated to file a financial report. Respondent was again directed to the information on the TIE DC website where donations were being solicited through "PayPal" an online payment and collection service. This raises the presumption that it is more likely than not that TIE DC collected contributions, and even if they did not receive contributions the committee should have filed a R&E Report. In addition, the fact that TIE DC established a web site in which donations were solicited indicates that at a minimum expenditures were made on behalf of the effort. Thus, the requirement for registration with OCF was applicable within 5 days of the activity.

Failure to Include Proper Language on Campaign Literature

Evidence presented at the hearing establishes that OCF informed Respondent Jones about the omission and that he was violation of DC Code 1-1163.15. Respondent Jones addressed this issue by stating that he made the correction on a handbill TIE DC distributed. Respondent Jones submitted a copy of a handbill at the hearing as proof of the correction.

Findings of Fact

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

1. Respondent is the chairperson for "TIE DC 2014". TIE DC 2014 is a political committee as defined by DC Code 1-1161.01 (44).
2. TIE DC was required to register as a political committee and file a Statement of Organization in accordance with D.C. Official Code § 1-1163.07.
3. TIE DC came into existence in June 2014 with the intent and purpose of campaigning against the passage of Initiative 71.
4. In August 2014 TIE DC was informed by OCF that "it appeared that they (TIE DC) were engaged in political activity and advised to register as a political committee."
5. TIE DC never registered as a political committee. But, TIE DC still remained an active committee and continued campaigning against the passage of Initiative 71.

6. On its website TIE DC solicited donations through PAYPAL. In its soliciting message it states..."all donations will be used for costs incurred by the campaign such as posters, billboards and other media."
7. TIE DC should have filed an 8 Day Pre-General Election R&E Report and disclosed any and all money raised or expended in accord with D C Official Code 1-1163.09.
8. Respondent Jones registered "No On Initiative 71" with OCF on September 23, 2014, and filed the 8 Day Pre-General Election report (4th report).
9. Respondent was admonished for his actions and for violation of the DC campaign finance laws.
10. Respondent Jones never filed an 8 Day Pre-General Election R&E Report for TIE DC, and remains out of compliance with Campaign finance laws.

Conclusions of Law

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

1. TIE DC is a political committee as defined by DC Code 1-1161.01 (44).
2. Respondent committee TIE DC failed to register with the OCF and file a Statement of Organization in violation of DC Code 1-1163.07.
3. TIE DC is in violation of DC Code 1-1163.09 for failure to file the 8 Day Pre-General Election R&E Report that was due on October 27, 2014.
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. Respondent committee may be fined up to Two Thousand Dollars (\$2,000.00) for each violation of the DC campaign laws in accord with District of Columbia Municipal Regulations 3711.4.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine in the amount of Two Thousand Dollars (\$2,000.00) for failure to comply with DC Code 1-1163.07 and DC Code 1-1163.09.

December 30, 2014
Date

Leonard B. Muhammad
Hearing Officer

Concurrence

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

December 30, 2014
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

I find the Respondent in violation of DC Code 1-1163.09 and IT IS ORDERED that the fine in this matter is Two Thousand Dollars (\$2,000.00).

December 30, 2014
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 William V. Jones, III 4110_5th Street, NW Washington, DC 20011 by regular mail and via electronic mail to: tiedc2014@gmail.com . And to Adam Eiding DC Cannabis Campaign 1858 Mintwood Place, NW #4 Washington, DC 20009 by regular mail, and via electronic mail to: adam@dcmj.org on

December 31, 2014.

#

IN THE MATTER OF: TIE DC
Docket No: 2014 P-026
Page 6

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.