

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
SUITE 420, 2000 14<sup>TH</sup> STREET, NW  
WASHINGTON, D.C. 20009  
(202) 671-0550**

<b>IN THE MATTER OF</b>	)	DATE: March 28, 2011
	)	
The Committee to Elect Sekou Biddle	)	
Bandele F. McQueen, Treasurer	)	DOCKET NO.OCF 11C-003
1004 6 <sup>th</sup> Street, NW	)	
Washington, D.C. 20001	)	

**ORDER**

**Statement of the Case**

This matter comes before the Office of Campaign Finance (OCF) upon the complaint filed by Bob Kabel, Chairman, DC Republican Committee, on March 4, 2011, which alleged that The Committee to Elect Sekou Biddle (hereinafter Respondent Committee), a registered principal campaign committee organized to support the candidacy of Sekou Biddle for At-Large Member of the Council of the District of Columbia in the April 26, 2011 Special Election, and for which Bandele F. McQueen, Esq. serves as Treasurer, may have used government resources to support a candidate for elective office, in violation of D.C. Official Code § 1-1106.51 (2001 Edition).

D.C. Official Code § 1-1106.51 (a) prohibits the use of resources of the District Government, including it's "...facilities .... To support or oppose any candidate for elected office, whether partisan or nonpartisan..."

By Notice of Hearing, Statement of Violations and Order of Appearance (hereinafter Notice of Hearing) dated March 3, 2011, OCF ordered Bandele F. McQueen, Treasurer of The Committee to Elect Sekou Biddle to appear at a scheduled hearing on March 11, 2011, and show cause why the Respondent Committee 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. Official Code §§ 1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

Mr. Kabel alleged that the Respondent Committee held a campaign press conference on March 2, 2011 at Brent Elementary School, a DC Public School during school hours to highlight the 32 BJ SEIU endorsement for the purpose of the April 26<sup>th</sup> Special Election,

and used a DC Public School Security Officer, Regina Pixley, who may have been on duty, as the campaign spokesperson for the event, in violation of D.C. Official Code § 1-1106.51. Mr. Kabel submitted a screen shot of the campaign website of the candidate Sekou Biddle advertising on March 1, 2011, the March 2, 2011 event at the Brent Elementary School. Mr. Kabel did not present evidence from the actual event to show that the Respondent Committee violated the provisions of D.C. Official Code § 1-1106.51.

On March 9, 2011, Bandele F. McQueen, Esquire, the Respondent Committee Treasurer, submitted a statement in lieu of appearing at the scheduled hearing on March 11, 2011, along with a video of the event and a photograph showing the location of the press conference. Mr. McQueen asserted in his Statement that on Wednesday, March 2, 2011, the campaign held a press conference on a sidewalk near Brent Elementary School; that the press advisory dated March 1, 2011 announced that a press conference would take place to reveal an endorsement by an organization supporting the campaign; and that Brent Elementary was mentioned only as a recognizable landmark for meeting with participants but the school grounds and facility were not used to conduct the event. Further, Mr. McQueen stated that the campaign made every effort to ensure that identifiable images of the school did not appear in any video or photos taken during the event, and that prior thereto, staff communicated with school officials to explain the event and to assure that every precaution was taken to avoid inadvertent shots of identifiable images of the school property and its students. Lastly, Mr. McQueen protested that no employees of the school or its security force participated in the event; that a security guard named Carol Moss from US Securities represented disenfranchised working families in the District, and spoke as the invited guest of SEIU; and that Ms. Moss was not employed by the School and was off duty.

OCF examined the photograph and the video submitted by Mr. McQueen. The photograph depicts the candidate Biddle and other individuals on a sidewalk in front of what appears to be a wire fence separating the participants from the building in the background. The video captures this location and the comments of the security guard identified as Carol Moss. In addition, OCF reviewed the campaign website, which currently displays the photograph, with the caption “32BJ SEIU Endorses Sekou”.

Robert Utiger, the General Counsel of the District of Columbia Public Schools, confirmed by telephone communication on March 9, 2011 and by email transmission on March 18, 2011, that he investigated the campaign event of The Committee to Elect Sekou Biddle on March 1, 2011; that he was informed by school staff that the event was not held on the property of the Brent Elementary School nor were students involved, and that the individual identified as “D.C. Public School Security Officer Regina Pixley” is not a DCPS employee but the employee of a contractor supplying school security services.

## **Findings of Fact**

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

1. The Committee to Elect Sekou Biddle registered with the Office of Campaign Finance on January 5, 2011.
2. The Candidate Sekou Biddle and the Respondent Committee conducted a press conference on March 2, 2011 on the sidewalk near the location of Brent Elementary School, a District of Columbia Public School, whose address is 301 North Carolina Avenue, S.E.
3. The Respondent Committee did not hold the press conference or a campaign related event to support the candidacy of Sekou Biddle on Brent Elementary School property on March 2, 2011.
4. The Respondent Committee did not use DCPS students, employees or security officers during the March 2, 2011 event.
5. The Respondent Committee is in compliance with the Act.

## **Conclusions of Law**

Based upon the record provided by the Office of Campaign Finance, I therefore conclude that:

1. The Respondent Committee to Elect Sekou Biddle did not violate the provisions of D.C. Official Code § 1-1106.51.

## **Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director dismiss the Complaint in this matter.

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Date

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William O. Sanford  
General Counsel

**ORDER OF THE DIRECTOR**

WHEREFORE, IT IS HEREBY ORDERED that this matter is hereby dismissed.

\_\_\_\_\_  
Date

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Cecily Collier-Montgomery  
Director

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order on The Committee to Elect Sekou Biddle by first class postage pre-paid mail on March 28, 2011.

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