

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

IN THE MATTER OF)	DATE: September 27, 2010
)	
Citizens for Jeff Smith)	DOCKET NO.: OCF 10C-043
Brian Lloyd Wright, Treasurer)	
2043 Park Road, NW)	
Washington, DC 20010)	

ORDER

This matter comes before the Office of Campaign Finance (OCF) upon a complaint filed by Chuck Thies, which alleged that the Citizens for Jeff Smith Principal Campaign Committee (hereinafter respondent committee) for which Brian Lloyd Wright serves as treasurer, failed to place notices required by D.C. Official Code §§1-1102.01 and 1-1102.10 on campaign literature.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 6, 2010, OCF ordered Brian Lloyd Wright (hereinafter respondent treasurer), to appear at a scheduled hearing on August 16, 2010 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.

On August 16, 2010, Jeff Smith (hereinafter respondent candidate), appeared pro-se. OCF was represented by Wesley Williams, Public Affairs Manager.

Mr. Williams stated that Mr. Thies had alleged that the respondent committee failed to place the required notices on campaign literature in violation of D.C. Official Code §§1-1102.01 and 1-1102.10. The respondent candidate conceded the violations and stated that the failure to include the required disclaimers on all campaign literature was the result of an unintentional oversight. He additionally stated that the respondent committee had contracted for thousands of pieces of literature to be printed but had not checked every item prior to distribution. He continued that the absence of the disclaimer on a small portion of the literature was due to a printing error. He also stated that he has no history of non-compliance during a prior campaign for the District of Columbia Board of Education or while operating an exploratory committee. The respondent candidate concluded that the error was corrected as soon as he became aware of the mistake and stated that all of his campaign literature that is currently in circulation is in compliance with the statute.

OCF examined the literature in question, which consisted of an undated letter entitled “ Jeff D.C. City Council Ward 5”, a postcard entitled “ Jeff Smith Your Ward 1 Neighbor” and a business card stating “Jeff Smith Candidate”. OCF found that the copies of the campaign literature attached to the complaint did not include the required notices. However, the respondent candidate provided copies of the campaign literature in question that included the required disclaimers as evidence that the respondent committee had rectified the error.

Upon review of the record herein, I find that the respondent candidate's explanation that the missing disclaimer on some of his campaign literature was a result of a printing error. In addition, I find that the submission of evidence that the error has been corrected is sufficient to warrant favorable consideration.

Accordingly, I find that the respondent committee is in substantial compliance with the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974 (the Act) as amended by D.C. Official Code § 1-1101.01 et seq (2001 Edition).

Recommendation

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

Date

William O. Sanford
Acting General Counsel

WHEREFORE, IT IS HEREBY ORDERED that this matter is dismissed and the Notice of Hearing, Statement of Violations and Order of Appearance is hereby vacated effective the date of this Order.

Date

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 Brian Lloyd Wright by first class postage pre-paid mail on September 27, 2010.

NOTICE

Pursuant to 3DCMR §3711.5 (March 2007), 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, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.