

**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, N.W.  
WASHINGTON, D.C. 20009  
(202) 671-0550**

<b>IN THE MATTER OF</b>	)	DATE: February 25, 2011
	)	
Committee to Elect Tracey Turner	)	DOCKET NO.: OCF 10C-045
Tracey Turner, Treasurer	)	
20 Girard Street, NE	)	
Washington, DC 20002	)	

ORDER

This matter comes before the Office of Campaign Finance (OCF) upon a complaint filed by Deborah L. Steiner, which alleged that the Committee to Elect Tracey Turner, Principal Campaign Committee (hereinafter respondent committee) for which Tracey Turner 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 Violation and Order of Appearance (hereinafter Notice of Hearing) dated August 16, 2010, OCF ordered Brooke K. McKie (hereinafter former treasurer), to appear at a scheduled hearing on August 25, 2010. However, the Notice of Hearing was returned by the US Postal Service as undeliverable. Subsequently, by Notice of Hearing dated February 2, 2011, OCF ordered Tracey Turner (hereinafter respondent candidate) to appear at a scheduled hearing on February 9, 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.

On February 9, 2011, the respondent candidate, appeared pro-se. OCF was represented by Laura McQueen, Legal Instruments Examiner.

Ms. McQueen stated that it was alleged that the respondent committee had failed to include the notices required by the ACT which included “paid for by” and the name of the treasurer and “ a copy of our report is on file with the Office of Campaign Finance” on campaign literature as required by D.C. Official Code §§1-1102.01 and 1-1102.10. Respondent candidate admitted that the respondent committee might have unintentionally violated the provisions of D.C. Official Code §1-1102.10.

OCF examined the literature Ms. Steiner attached to her complaint, which consisted of one poster entitled “Elect Tracey Turner City Council- Ward 5.” However, she did not provide any examples of the respondent committee’s literature that solicited funds which would required a notice that a copy of the committee’s report is on file with OCF. Thus, no evidence that the respondent committee violated the provisions of D.C. Official Code §1-1102.01 was presented.

With regard to the failure of the respondent committee to comply with the provisions of D.C. Official Code §1-1102.10 by including the words “paid for by” and the name of the treasurer and the address of the committee, respondent candidate stated that the respondent committee

purchased all the posters from a single contractor who inadvertently failed to include the required notices on some of the posters the respondent committee received initially. However, the error was not discovered until several posters had already been circulated. Respondent candidate additionally stated that the defective posters were replaced immediately after members of the respondent committee's staff discovered the error. He continued by stating that the campaign staff attempted to retrieve all the defective posters but, they apparently did not remove them all before Ms. Steiner collected one of the deficient pieces of campaign literature.

In accordance with a request that the respondent committee provide proof that the deficiency in the literature had been cured, the respondent candidate submitted a copy of the corrected literature that included the notices required by D.C. Official Code §1-1102.10.

### **Findings of Fact**

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

1. The respondent committee was required to include notices required by the Act on all campaign literature in accordance with D.C. Official Code §1-1102.10.
2. The respondent committee failed to include the notices on all campaign literature.
3. The respondent candidate submitted evidence that his campaign literature was corrected to include the notices required by the statute.
4. The respondent candidate was a first time candidate for elective office in the District of Columbia with no prior history of non compliance.
5. The respondent committee is currently in compliance with the statute.

### **Conclusions of Law**

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

1. Respondent committee violated D.C. Official Code §1-1102.10.
2. The penalty established at D.C. Official Code §1-1103.05(b) (3), 3DCMR §§3711.2(n), 3711.3 and 3711.4 for failure to place notices required by the Act on campaign literature as required by D.C. Official Code § 1-1102.10 is a fine of \$500.00 per violation.
3. In accordance with D.C. Official Code §1- 1103.05(b)(3), the respondent committee may be fined a maximum of \$500.00 for failing to place notices required by the Act on campaign literature.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

5. Respondent candidate's representations that the respondent committee corrected the printing error that caused the violation immediately after it was brought to the attention of the campaign, combined with his presentation of evidence of compliance with the statutory requirements, provides good cause for suspension of the fine.

**Recommendation**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
William O. SanFord  
General Counsel

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

\_\_\_\_\_  
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 Tracey Turner by first class postage pre-paid mail on February 25, 2011.

\_\_\_\_\_

**NOTICE**

Pursuant to 3DCMR §3711.5 (March 2007), any fine imposed by the Director shall become effective on the 16<sup>th</sup> 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, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.