

**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 13, 2010
)	
Gray for Mayor)	DOCKET NO.: OCF 10C-047
Betty R. Brown, Treasurer)	
2701 Branch Avenue, SE)	
Washington, DC 20020)	

ORDER

This matter comes before the Office of Campaign Finance (OCF) pursuant to a complaint filed by Robert J. Kabel, Chairman of the DC Republican Committee which alleged that the Gray for Mayor Principal Campaign Committee (hereinafter respondent committee) for which Betty R. Brown 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 16, 2010, OCF ordered Betty R. Brown (hereinafter respondent treasurer), to appear at a scheduled hearing on August 25, 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 25, 2010, respondent treasurer, appeared with Adam Rubinson, Campaign Manager, Carlyn Fuller, Esq. and David Wilmot, Esq., attorneys for the respondent committee. OCF was represented by Wesley Williams, Public Affairs Manager.

Mr. Williams stated that it was alleged that the respondent committee failed to place notices required by the Act on campaign literature in violation of D.C. Official Code §§1-1102.01 and 1-1102.10. The literature in question consisted of two full page advertisements in the June and August 2010, editions of the "Hill Rag" magazine which did not include the words "paid for" and a handbill advertising a fundraising event sponsored by a group identified as "The Young Professionals For Gray" that did not include the language required by D.C. Official Code §§1-1102.01 and 1-1102.10.

Mr. Wilmot stated in accordance with the respondent committee's Policy No. 10-4 all campaign literature must be pre-approved by the Chairperson prior to production and dissemination. He further stated that neither of the pieces of literature in question received the required approval and therefore were not sanctioned by the committee. Mr. Wilmot submitted a copy of the above referenced policy (respondent committee's Exhibit #1) as evidence of the respondent committee's guidelines for campaign communications. Mr. Rubinson stated that the advertisements in the Hill Rag were paid for by Charles Berger, a volunteer Ward 6 coordinator for the committee who did not consult the respondent committee before using his own funds to finance the advertisements.

Mr. Rubinson additionally stated that the respondent committee would report Mr. Berger's advertisements as in-kind contributions in the next Report of Receipts and Expenditures (October 10, 2010). He also stated that the fundraising handbill was not cleared through the respondent committee but, any proceeds received from that event would also be reported.

Mr. Wilmot also stated that the respondent committee has produced and distributed approximately 100,000 pieces of literature during this campaign and there have been no prior incidents in which it has been alleged that any violations of the Act have occurred. He concluded that the official policy of the respondent committee placed an emphasis on compliance with the applicable statutory and regulatory requirements.

Upon review of the record herein, I find that the representatives of the respondent committee provided credible testimony and evidence to support their contention that the respondent committee did not engage in or sanction activity that violated the Act. I further find that the respondent committee will be 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) if the activity of Mr. Berger and the Young Professionals for Gray is included in the respondent committee's October 10, 2010, Report of Receipts and Expenditures.

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 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 Betty R. Brown by first class postage pre-paid mail on September 13, 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.