

**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: October 5, 2010
	)	
Ronald Moten	)	DOCKET NO's.: OCF 10C-048 & 049
c/o The OtherSide Media	)	
3119 Martin Luther King Jr. Avenue, SE	)	
Second Floor	)	
Washington, DC 20032	)	

ORDER

These matter comes before the Office of Campaign Finance (OCF) pursuant to a complaints filed by Si Kailian, Melissa Vasconcellos, Andrew Zabavsky and James Abely, Esq. which alleged that the Ronald Moten, may have exceeded the contribution limit in violation of D.C. Official Code §§1-1131.01(f), failed to report an in-kind contribution in violation of D.C. Official Code §1-1131.03, may have violated the reporting requirements and failed to place notices required by D.C. Official Code §§1-1102.01 and 1-1102.10 on campaign literature. In view of the fact that the complaints included similar allegations, OCF has consolidated the matters.

By Notices of Hearings, Statements of Violations and Orders of Appearance dated August 27, 2010, and September 2, 2010, OCF ordered Ronald Moten (hereinafter respondent), to appear at a scheduled hearings on August 30, 2010, and September 7, 2010 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, (the Act) as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

On September 7, 2010, the respondent, appeared with Rodney Mitchell, Esq. (hereinafter counsel) OCF was represented by Wesley Williams, Public Affairs Manager.

Mr. Williams stated that it was alleged in the complaints filed by the above referenced individuals that the respondent failed to comply with the Act by engaging in activity that is prohibited by the statute. The specific activity in question consisted of the production and posting of two music videos on YouTube extolling the virtues of Mayor Fenty, sponsoring “go-go” concerts which allegedly focused on raising support for Mr. Fenty, and the operation of a website entitled the Other Side, which also includes literature that supported the Fenty re-election campaign. As of the date of the hearing, none of the activity had been reported by the respondent nor did any of the literature include the words “paid for” as required by D.C. Official Code §§1-1102.01 and 1-1102.10.

Counsel stated that, there was no coordination between the respondent and the Fenty re-election campaign with regard to the allegations in the complaints. He argued that even though the respondent appeared in one of the videos cited in the complaints, he was not responsible for its production, content or publication. He additionally stated that a group known as the Connoisseurs

produced and posted the video on YouTube on their own initiative and at their own expense. Counsel also denied that the respondent played a role in the sponsorship of the “go-go” concerts. However, counsel conceded that the respondent is the publisher of the Other Side on-line magazine but, contended that the respondent had merely exercised his editorial license as a publisher to indicate his preference in a political campaign. Counsel also stated that the respondent would file a Report of Receipts and Expenditures with OCF at the next reporting period (October 10, 2010) in which he would list any campaign advertisements featured in his magazine as independent expenditures.

During a prior hearing with representatives of the Fenty 2010, campaign, Chairman William P. Lightfoot, Esq. stated that the “go-go” concerts were financed by the Fenty Principal Campaign Committee (Fenty PCC) and would be reported in the committee’s next Report of Receipts and Expenditures which is due October 10, 2010. Mr. Lightfoot additionally stated that even though the Fenty PCC did not coordinate any activity with the producers of the videos, the Fenty PCC would include the estimated value of the videos in its October 10, Report as an in-kind contribution from a group known as “The Connoisseurs”. He also stated that the Other Side magazine was produced by the respondent who was solely responsible for its content, without any input from the Fenty re-election campaign.

Pursuant to counsel’s representations, Mr. Lightfoot’s comments, and the record herein, I find that the respondent acted independently of the Fenty 2010, campaign and therefore 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) after his activity regarding the Other Side magazine is reported as an independent expenditure which counsel has indicated he will file by October 12, 2010 when the October 10, 2010 Report of Receipts and Expenditures is due.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director dismiss this matter without prejudice on the condition that the respondent file an independent expenditure report for the October 10, 2010 reporting period by October 12, 2010.

\_\_\_\_\_  
Date

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

WHEREFORE, IT IS HEREBY ORDERED that this matter is dismissed without prejudice 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 Ronald Moten and Rodney Mitchell, Esq., by first class postage pre-paid mail on October 5, 2010.

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**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.