

**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
)	
Fenty 2010)	DOCKET NO.: OCF 10C-050
William P. Lightfoot, Chairman)	
Ben Soto, Treasurer)	
5929 Georgia Avenue, NW)	
Washington, DC 20011)	

ORDER

This matter comes before the Office of Campaign Finance (OCF) pursuant to a complaint filed by James Abely, Esq. which alleged that the Fenty 2010 Principal Campaign Committee (hereinafter respondent committee) for which William P. Lightfoot serves as chairman and Ben Soto serves as treasurer, 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.

By Notice of Hearing, Statement of Violations and Order of Appearance dated September 2, 2010, OCF ordered William P. Lightfoot (hereinafter respondent chairman), to appear at a scheduled hearing on September 8, 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, (the Act) as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

On September 8, 2010, respondent chairman, appeared with Marc Elias, Esq. and Jonathan Berkon, Esq., attorneys for the respondent committee. OCF was represented by Wesley Williams, Public Affairs Manager.

Mr. Williams stated that it was alleged in the complaint filed by Mr. Abely that the respondent committee failed to comply with the Act by engaging in the above referenced activity. The specific activity in question consisted of the sponsoring of “go-go” concerts which allegedly focused on raising support for Mayor Fenty, two music videos on YouTube extolling the virtues of Mr. Fenty and the operation of a website entitled the Other Side which also allegedly includes literature that supports the Fenty re-election campaign. As of the date of the hearing, none of the activity had been reported by the respondent committee 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.

Mr. Elias initially stated that the complaint fails to provide a clear and concise statement of fact and should be dismissed on that basis alone. However, he continued that, there was no coordination between the respondent campaign and the producers of the videos and publisher of the Other Side on-line magazine. Nonetheless, Mr. Elias argued that he does not believe that

videos uploaded on the free YouTube website, qualify as protected speech and therefore the disclaimer requirement does not apply. Mr. Elias cited the well publicized “Obama girl” video as a recent example of a video without disclaimers that was feature on the YouTube website. Mr. Elias concluded that the respondent committee neither requested nor contributed to the production of the videos or the publication of the Other Side magazine and is not responsible for their existence or content.

Mr. Lightfoot stated that the “go-go” concerts were financed by the respondent committee 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 respondent committee did not coordinate any activity with the producers of the videos or the publisher of the Other Side, the respondent committee 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 Connoisseurs have inserted the appropriate disclaimers into the videos. Mr. Lightfoot concluded that the Other Side magazine is published by Mr. Ronald Moten who is an enthusiastic volunteer for the Fenty re-election campaign but, he is neither paid nor directed by the campaign.

Upon review of the record herein, I find that the representatives of the respondent committee provided credible testimony to support their contention that the respondent committee did not engage in any 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. Moten regarding the Other Side magazine in reported as an independent expenditure and the videos produced by The Connoisseurs are included in the respondent committee’s October 10, 2010, Report of Receipts and Expenditures as an in-kind contribution.

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.

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SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on William P. Lightfoot, Esq. and Be Soto, 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.