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: November 2, 2010
	)	
Save DC Now	)	DOCKET NO.: OCF 10P-033
Eleanor Anderson Chairperson	)	
Junius Carter, Treasurer	)	
622 Irving Street, NW	)	
Washington, DC 20010	)	

AMENDED CEASE AND DESIST ORDER

This matter comes before the Office of Campaign Finance (OCF) pursuant to complaints filed by Dorothy Brizill and Brian Lederer, Esq. which alleged that the Save DC Now, Inc. Committee (hereinafter respondent committee), a registered unauthorized committee which is conducting a write-in campaign to re-elect Mayor Adrian Fenty, for which Eleanor Anderson serves as chairperson and Junius Carter serves as treasurer. It is alleged that the respondent committee failed to place notices required by D.C. Official Code §1-1102.10 on campaign literature; failed to report an in-kind contribution in violation of §1-1131.01(f); and may have failed to comply with OCF reporting requirements in violation of §1-1131.03

By Notices of Hearing, Statements of Violations and Orders of Appearance dated October 25, 2010, and October 26, 2010, OCF ordered Eleanor Anderson (respondent chairperson), Junius Carter (respondent treasurer), Joshua Lopez (volunteer), and William P. Lightfoot, Esq. (chairman of the Fenty 2010 re-election committee) to appear at scheduled hearings on October 27, and October 29, 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. (The Act), and fined accordingly.

On October 27, 2010, respondent treasurer and Mr. Lopez, appeared pro-se. On October 29, 2010, respondent chairperson and Mr. Lightfoot appeared pro-se. OCF was represented by Wesley Williams, Public Affairs Manager during each hearing.

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, may have failed to report an in-kind contribution in violation of §1-1131.01(f) and may have failed to comply with OCF reporting requirements in violation of §1-1131.03.

The literature in question consisted of posters, yard signs and paraphernalia that was circulated initially by the Fenty 2010 Principal Campaign Committee (PCC), and are allegedly being re-cycled by the respondent committee without consent or authorization from the PCC. Both the respondent chairperson and the respondent treasurer stated that they were not aware that the literature was being used in violation of the Act. Mr. Lopez conceded that the campaign literature

used to decorate a table he occupies near a District of Columbia government office building at 441 4th Street, NW, Washington 20001, was in fact recycled literature from the PCC. He additionally conceded that he did not receive authorization from the PCC to re-cycle PCC literature for the Save DC Now, Inc. write-in campaign. Mr. Lightfoot stated that Mayor Fenty is no longer a candidate and the PCC has concluded all campaign activity. He additionally stated that the PCC did not contribute, donate to or authorize the use of its literature by the respondent committee, any group or individual. He further stated that the PCC neither supports nor condones the use of its literature by Save DC Now, Inc. or the write in effort.

Upon review of the record herein, I find that individuals associated with the respondent committee did use campaign literature from the PCC in violation of the Act and failed to place notices required by D.C. Official Code §1-1102.10 on campaign literature

Accordingly the Save DC Now, Inc. Committee has been found in violation of §1-1102.10.

WHEREFORE, IN ACORDANCE WITH 3DCMR §3710, IT IS HEREBY ORDERED, effective immediately, that the Save DC Now, Inc. Committee shall Cease and Desist from the distribution, circulation, and use of campaign literature purchased and produced by the Fenty 2010 Principal Campaign Committee, including, but not limited to, posters, circulars, handbills, sample ballots, stickers, and shirts. Failure to comply with this order may result in the imposition of a fine of $500.00 per violation as prescribed by 3DCMR § 3711.2(n).

November 2, 2010
Date

Cecily E. 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 Eleanor Anderson via e-mail at elliesfree@rcn.com, Junius Carter via e-mail at savedcnowtreasurer@gmail.com, Josh Lopez via e-mail at lopez120@gmail.com and William P. Lightfoot via e-mail at wlightfoot@koonz.com and by first class postage pre-paid mail on November 2, 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.