

**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 30, 2010
)	
AVoice4U)	
Tyler Sadonis)	DOCKET NO.: OCF 10P-034
Eagle Communications)	
ANCVoice@gmail.com)	

ORDER

Statement of the Case

This matter comes before the Office of Campaign Finance (OCF) pursuant to complaints filed by J. Laurence Seftor and Thomas M. Smith which alleged that the AVoice 4U a coalition of American University Students with addresses on the American University campus (hereinafter respondent committee), for which Edward Levandoski serves as treasurer and Tyler Sadonis write-in candidate for Advisory Neighborhood Commission 3D02, failed to file a Statement of Organization in violation of D.C. Official Code §1-1102.04, 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 D.C. Official Code §1-1131.03 and may have violated the reporting requirements.

By Notice of Hearing, Statement of Violations and Order of Appearance dated October 27, 2010, OCF ordered Edward Levandoski (hereinafter respondent treasurer) and Tyler Sadonis (hereinafter respondent candidate), to appear at a scheduled hearing on 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, (the Act) as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

On October 29, 2010, respondent treasurer and respondent candidate, appeared with Ron Magnus, Esq. (hereinafter counsel), OCF was represented by Wesley Williams, Public Affairs Manager.

Mr. Williams stated that it was alleged in the complaints filed by Messer's Seftor and Smith that the respondent committee and candidate failed to comply with the Act by engaging in prohibited activity. The specific activity in question consisted of organizing two write-in campaigns and conducting fundraisers for the candidates without filing the required documents with OCF in violation of D.C. Official Code §1-1102.04, distributing campaign literature that did not include the words "paid for by" as required by D.C. Official Code §1-1102.10 and accepting an in-kind contribution from Eagle Communications that was not reported.

Counsel stated that any violations of the Act committed by the respondent treasurer and the respondent candidate were unintentional and due to their lack of experience with electoral politics in the District of Columbia. He additionally stated that the respondent treasurer and campaign manager, Bharat Krishnan, were advised during a meeting at OCF on September 23, 2010, that their filing obligations were limited to the submission of a Summary Financial Statement 60 days after certification of the results of the general election because they did not intend to organize a political committee. Counsel conceded that the respondent candidates' campaign literature did not include the required disclaimers. However, counsel stated that neither the respondent candidate nor the principals in the respondent committee were aware of the requirement until they received the Notice of Hearing from OCF. Counsel also stated that all campaign literature had been revised to include the requisite disclaimers.

Respondent treasurer stated that when he and Mr. Krishnan attended a meeting at OCF on September 23, 2010, they were advised of the general requirements for ANC candidates and proceeded with their activities in good faith. He also stated that they were not aware of the registration and campaign literature disclaimer requirements.

OCF also interviewed Morgan Gress and Lauren Reddington on October 29, 2010, both appeared pro se on behalf of Eagle Communications. Ms. Gress stated that Eagle Communications is a student operated public relations firm based at American University that was hired by the candidates to assist their campaigns. Ms. Gress additionally stated that the fees Eagle Communication agreed to charge the candidates were based upon a projection of 75 hours of work for a stipend of \$500.00. Ms. Gress also stated that the student employees of Eagle Communications only expended a total of 26 hours on the project. Ms. Reddington concurred with Ms. Gress' statements.

At the conclusion of the hearing the respondent treasurer and the campaign manager agreed to file Statements of Organization, and Acceptance of Position of Chairperson and Acceptance of Position of Treasurer for each candidate with whom they were affiliated on November 1, 2010.

Findings of Fact

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

1. Respondent committee was engaged in fundraising for ANC candidate Tyler Sadonis and at least one other candidate.
2. Respondent candidate failed to file a Statement of Organization, Statement of Acceptance of Position of Chairperson and Acceptance of Position of Treasurer as required by D.C. Official Code §1-1102.04.
3. Respondent candidate initially failed to include the words "paid for by" as required by D.C. Official Code §1-1102.10 on his campaign literature but rectified the mistake after he became aware of the requirement.
4. The respondent candidate and the respondent committee did not fail to report an in-kind contribution from Eagle Communications.

5. The respondent candidate and the respondent treasurer and chairperson have no prior experience with electoral politics in the District of Columbia.

Conclusion of Law

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

1. Respondent committee and respondent candidate violated D.C. Official Code §1-1102.04.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), 3DCMR§3711.2(d) for failing to timely file a Statement of Organization is a fine of \$30.00 a day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent committee and respondent candidate may be fined a maximum of \$450.00 for failing to file a Statement of Organization within the prescribed period.
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. The respondents' lack of experience in electoral politics coupled with their immediate compliance after being advised of the requirements warrants favorable consideration.

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
Hearing Officer

WHEREFORE, IT IS HEREBY ORDERED that this matter is dismissed.

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 Edward Levandoski and Ron Magnus, Esq., by first class postage pre-paid mail on November 30, 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.