

**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: March 4, 2011
	)	
Commissioner John Salatti	)	DOCKET NO.: OCF 11C-001
ANC 5C04	)	
131 U Street, NW	)	
Washington, DC 20001	)	

**ORDER**

**Statement of the Case**

This matter comes before the Office of Campaign Finance (OCF) upon a complaint filed by Barrie R. Daneker, on November 4, 2010, which alleged that John Salatti, candidate for Advisory Neighborhood Commission 5C04 in the November 2010 General Election (hereinafter respondent candidate), 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 Violation and Order of Appearance (hereinafter Notice of Hearing) dated January 20, 2011, OCF ordered the respondent candidate to appear at a scheduled hearing on January 31, 2011, 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, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

Mr. Daneker alleged that the respondent candidate's campaign literature did not include the following notices: "A copy of our report is on file with the Director of the Office of Campaign Finance..." and "paid for by" and the name of the treasurer, as required by D.C. Official Code §§1-1102.01 and 1-1102.10 respectively.

OCF examined the literature Mr. Daneker attached to his complaint, which consisted of two photographs of two posters entitled "John Salatti Commissioner, Together Building a Better Bloomingdale." However, he did not provide any examples of the respondent candidate's literature that solicited funds which would required a notice that a copy of the respondent candidates's report is on file with OCF. Thus, no evidence that the respondent candidate violated the provisions of D.C. Official Code §1-1102.01 was presented.

On January 28, 2011, the respondent candidate submitted a notarized affidavit in lieu of appearing at the scheduled hearing on January 31, 2011.

Respondent candidate asserted in his written statement that he incorrectly presumed that the notices required by D.C. Official Code §1-1102.10 did not apply to ANC races. He further stated that even though he reviewed the campaign guidebook that he received from the Board of

Elections and Ethics when he picked up nominating petitions, he mistakenly believed the applicable section of the book did not apply to ANC candidates. He additionally stated that he accepts responsibility for the infraction but did not intentionally violate the statute.

Respondent candidate concluded that he did not have an opponent during the November 2, 2010 General Election campaign and therefore, he did not gain any unfair advantage by failing to provide place the required notices on his campaign literature.

### **Findings of Fact**

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

1. The respondent candidate was required to include notices required by the Act on all campaign literature in accordance with D.C. Official Code §1-1102.10.
2. The respondent candidate failed to include the notices on all campaign literature.
3. The respondent candidate ran unopposed during the November 2, 2010 General Election campaign.
4. The respondent candidate has no prior history of non-compliance with OCF.
5. The respondent candidate timely filed a Summary Financial Statement and is currently in compliance with the statute.

### **Conclusions of Law**

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

1. Respondent committee violated D.C. Official Code §1-1102.10.
2. The penalty established at D.C. Official Code §1-1103.05(b) (3), 3DCMR §§3711.2(n), 3711.3 and 3711.4 for failure to place notices required by the Act on campaign literature as required by D.C. Official Code § 1-1102.10 is a fine of \$500.00 per violation.
3. In accordance with D.C. Official Code §1- 1103.05(b)(3), the respondent committee may be fined a maximum of \$1,000.00 for failing to place notices required by the Act on campaign literature.
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. Respondent candidate's representations that the unintentional violation occurred because he incorrectly assumed that notice provision in question did not apply to ANC candidates coupled with his history of compliance, warrants favorable consideration.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine this matter.

\_\_\_\_\_  
Date

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

WHEREFORE, IT IS HEREBY ORDERED that the fine in this matter is hereby suspended.

\_\_\_\_\_  
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 James Fournier by first class postage pre-paid mail on March 4, 2011.

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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.