

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
SUITE 420, 2000 14TH STREET, NW
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: January 11, 2012
)	
Biddle 2012)	
William E. Brown, Treasurer)	DOCKET NO.OCF 11C-008
1215 Lamont Street, NW)	
Washington, D.C. 20010)	

ORDER

Statement of the Case

This matter comes before the Office of Campaign Finance (OCF) upon the complaint filed by Dorothy Brizill, on November 10, 2011, which alleged that Biddle 2012 (hereinafter Respondent Committee), a registered principal campaign committee organized to support the candidacy of Sekou Biddle for At-Large Member of the Council of the District of Columbia in the April 3, 2012 Primary Election, and for which William E. Brown serves as Treasurer, failed to designate a Chairman and failed to provide a proper address for the committee, in violation of D.C. Official Code § 1-1102.01(a)(2001 Edition) and § 3DCMR 9900.1.

By Notice of Hearing, Statement of Violations and Order of Appearance (hereinafter Notice of Hearing) dated November 27, 2011, OCF ordered William E. Brown, Treasurer of the Respondent Committee to appear at a scheduled hearing on December 5, 2011, 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., and fined accordingly.

Summary of Evidence

Ms. Brizill alleged that the Respondent Committee failed to designate a chairman and listed a postal box at a United Parcel Service store as the committee's address. She additionally asserted that in light of these deficiencies the Respondent Committee was not properly registered.

On December 5, 2011, William E. Brown (hereinafter Respondent Treasurer), Bandele F. McQueen, Esquire (hereinafter Respondent Chairman) and Sekou Biddle (hereinafter

Respondent Candidate) appeared pro se on behalf of the Respondent Committee. OCF was represented by Laura McQueen- Whitaker, Legal Instruments Examiner.

Ms. McQueen-Whitaker alleged that the Respondent Committee's failure to designate a chairman and failure to provide a proper address violated D.C. Official Code § 1-1102.01(a)(2001 Edition) and § 3DCMR 9900.1 respectively.

D.C. Official Code § 1-1102.01(a)(2001 Edition) provides that “[e]very political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of treasurer thereof and no other person has been designated and has agreed to perform the functions of treasurer. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or designated agents. “

3DCMR § 9900.1 defines address as “personal residence, principal place of business, campaign office, political committee office and citizen- service program office.”

Respondent Candidate stated that his Statement of Candidacy and the Respondent Committee's Statement of Organization were filed with OCF on November 8, 2011. He additionally stated the Statement of Organization he submitted properly identified Bandele McQueen as the Chairperson, William Brown as the Treasurer. However, the Respondent Chairman inadvertently submitted an Acceptance of Treasurer (OCF Form 2) instead of the Acceptance of Chairperson (OCF Form 1) and the Respondent Candidate inadvertently listed an improper address. Nonetheless, it was clearly Mr. McQueen's intention to serve as Chairperson for the Respondent Committee and clearly his intention to provide a proper address. Respondent Candidate further stated that he filed a corrected Statement of Organization that listed a proper address within one week of his initial registration. He further stated that he became aware of the mistake regarding the designation of the Chairperson after the Respondent Treasurer received a Notice of Hearing from OCF. He concluded that he rectified the designation of the Chairperson by submitting a Statement of Acceptance of Position of Chairperson to OCF prior to the scheduled hearing on December 5, 2011.

Findings of Fact

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

1. The Respondent Committee registered with the Office of Campaign Finance on November 8, 2011.
2. The Respondent Committee's Statement of Organization which was filed on November 8, 2011, identified William Brown as treasurer and Bandele

McQueen as Chairperson. The Principal Campaign Committee's address was listed as 4401 A Connecticut Avenue, NW, Washington, DC 2011.

3. Mr. Brown submitted a Statement of Acceptance of Treasurer (OCF Form 2) and Mr. McQueen inadvertently submitted the same form.
4. The appropriate form for Mr. McQueen was a Statement of Acceptance of Chairperson (OCF Form 1).
5. The Respondent Candidate filed a Statement of Candidacy on November 8, 2011, in which the Principal Campaign Committee's address was listed as 4401 A Connecticut Avenue, NW, Washington, DC 2011.
6. The address listed in the Statement of Candidacy was a postal box at a United Parcel Service store.
7. The Respondent Committee filed a corrected Statement of Organization on November 15, 2011, in which 7603 13th Street, NW, Washington, DC 20012, was listed as the address of the Committee.
8. The Respondent Chairperson submitted a Statement of Acceptance of Chairperson (OCF Form 1) on December 5, 2011.
10. The Respondent Candidate submitted a revised Statement of Candidacy which included a proper address on December 5, 2011.

Conclusions of Law

Based upon the record provided by the Office of Campaign Finance, I therefore conclude that:

1. The Respondent Chairperson inadvertently failed to file a Statement of Acceptance of Chairperson (OCF Form 1) but he was properly designated in both the original and corrected Statements of Organization which were filed on November 8, and November 15, 2011 respectively. His Statement of Acceptance of Chairperson (OCF Form 1) was filed on December 5, 2011.
2. The Respondent Candidate initially failed to provide a proper address for the Principal Campaign Committee in his Statement of Candidacy as required by 3DCMR § 9900.1 but he submitted corrected Statement of Organization on November 15, 2011 and a corrected Statement of Candidacy on December 5, 2011.

3. The deficiencies in the Respondent Committee's original registration have been cured.
4. The Respondent Committee is currently in compliance with the Act.
5. The penalty established at D.C. Official Code §1-1103.05(b)(3), 3DCMR §§3711.2(dd) for failure to disclose required information on reports and statements (failing to provide a proper address) is a fine of \$50.00 per day for each business day subsequent to the due date.
6. In accordance with 3 DCMR §§3711.2(dd) and 3711.4, the Respondent Committee may be fined a maximum of \$200.00 for failing to disclose required information on reports and statements.
7. 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.
8. Respondent Candidate's representation that the error was due to an oversight and submission of a revised Statement of Organization within one week of the original registration, provide a basis for favorable consideration.

Recommendation

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

Date

_____/s/_____
William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

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

Date

_____/s/_____
Cecily Collier-Montgomery
Director

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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 the Biddle 2012 Principal Campaign Committee by first class postage pre-paid mail on January 11, 2012.

cc: Dorothy Brizill
