

**BEFORE THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
SUITE 433, 2000 14TH STREET, NW
WASHINGTON, D.C. 20009**

IN THE MATTER OF

Harry Thomas, Jr.

Former Councilmember for Ward 5

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DATE: March 14, 2012

DOCKET NO: OCF FI 2011-105

ORDER

On March 22, 2011, pursuant to a complaint filed by Robert Kabel, Chairman of the District of Columbia Republican Committee, the Office of Campaign Finance (OCF) commenced a Full Investigation against then Councilmember Harry Thomas, Jr. The complaint alleged that Mr. Thomas had violated the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974 (Act), as amended by District of Columbia Official Code §§ 1-1101.01 et seq; by failing to disclose outside income pursuant to District of Columbia Official Code § 1-1106.02(a)(6). OCF enlarged the investigation to explore whether Mr. Thomas may have used his office for personal financial gain in violation of District of Columbia Official Code § 1-1106.01(b).¹

In furtherance of OCF's investigation, it became known that this matter was concurrently being investigated by the U.S. Attorney for the District of Columbia because there was evidence which suggested that Mr. Thomas may have used his position as an elected official for personal gain. As a result thereof, the U.S. Attorney's office interviewed witnesses Marshall Banks and James Garvin in connection with allegations that they assisted Mr. Thomas in diverting District government funds from their intended purposes to his personal use.

In order to complete its investigation, OCF was required to take depositions from Messrs. Thomas, Banks and Garvin and to convene informal hearings. However, despite numerous attempts to depose the witnesses, their respective attorneys would not allow their clients to submit to the OCF hearing process.

¹ It should be noted that the "Board of Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012," effective January 29, 2012, repealed the "Campaign Finance Act of 1974". Pursuant to the repeal of the Campaign Finance Act, OCF no longer possesses the authority to prosecute violations of the Conflict of Interest Act. The Ethics Board established under the Ethics Reform Act is now vested with the authority to enforce Subtitle C 'Conflict of Interest' of Title I, the "Ethics Act".

On January 6, 2012, Mr. Thomas entered guilty pleas in the U.S. District Court for the District of Columbia pursuant to a Plea Agreement with the U.S. Attorney for the District of Columbia, wherein he admitted to committing two felonies including:

1. Theft concerning programs receiving federal funds; and
2. Filing false tax returns.

On January 13, 2012, Mr. Banks entered a guilty plea to misprision of a felony in the U.S. District Court for the District of Columbia.

On January 18, 2012, Mr. Garvin entered a guilty plea to misprision of a felony in the U.S. District Court for the District of Columbia.

In view of the fact that Mr. Thomas and witnesses Banks and Garvin are awaiting sentencing on felony convictions, there is no likelihood of them becoming available for hearings required for the adjudication of this matter. Moreover, the Office of Campaign Finance presently lacks the authority to proceed with the investigation of alleged violations of the District of Columbia Conflict of Interest laws.

WHEREFORE, IT IS HEREBY ORDERED, that this investigation is hereby administratively closed.

Cecily Collier-Montgomery
Director

Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order was served via e-mail, and/ prepaid first class postage, on this ____ day of March, 2012, to:

Frederick D. Cooke, Esq.
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