

**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

Michael D. Brown for Senate
Patricia E. Brown, Treasurer
4501 Wisconsin Avenue, NW
Washington, DC 20016

) DATE: April 17, 2012
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DOCKET NO.: OCF FI-103

ORDER

Statement of the Case

This matter comes before the Office of Campaign Finance (OCF) pursuant to a complaint filed by Dorothy Brizill in which she alleged that the Michael D. Brown for Senate Principal Campaign Committee (hereinafter respondent committee) which was organized to support the candidacy of Michael D. Brown (hereinafter respondent candidate) for Shadow Senator, failed to place notices required by the Subtitle B. Sec. 214 (a) of the Campaign Finance Emergency Act of 2012, on campaign literature.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 16, 2012, OCF ordered Patricia E. Brown (hereinafter respondent treasurer), to appear at a scheduled hearing on March 26, 2012 and show cause why the respondent committee should not be found in violation of Subtitle B. Sec.214 (a) of the Campaign Finance Emergency Act of 2012, and fined accordingly.

Summary of Evidence

Ms. Brizill alleged that while attending a candidate's forum held by the Ward 3 Democrats on February 23, 2012, a woman who identified herself as a volunteer for the respondent committee distributed to all attendees a reprint of a press release from the US Attorney's Office concerning Pete Ross, another candidate for the office of Shadow Senator. Ms. Brizill further alleged that the document the woman circulated represents campaign literature that the respondent committee distributed without proper identification. Ms. Brizill additionally stated that she spoke with the respondent candidate about the document and he indicated that he did not consider it campaign literature because (1) it did not originate with his campaign; (2) it did not advocate his candidacy; and (3) it was not paid for by his campaign.

On March 24, 2012, respondent treasurer submitted a notarized written statement in lieu of appearing at the scheduled hearing on March 26, 2012.

Respondent treasurer denied the violation and stated the following:

- A. The document referenced in the complaint Ms. Brizill filed with OCF is not campaign literature but, an actual press release which was issued in 2007 by the United States Department of Justice, and published on their website; www.usdoj.gov.
- B. The press release does not reference any candidate for public office, and identifies Mr. Ross only as “President of furniture company”.
- C. The mere fact that printed matter may tend to adversely impact the candidacy of a political candidate does not mean that it is campaign literature within the meaning of the Act.
- D. The document referenced in Ms. Brizill’s complaint was not prepared at the direction of, nor was it written by officials of the respondent committee.

Findings of Fact

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

1. Respondent committee is a registered, Principal Campaign Committee (PCC) with the Office of Campaign Finance.
2. As a registered PCC the Respondent committee is required to comply with the provisions of Subtitle B. Sec.214 (a) of the Campaign Finance Emergency Act of 2012.
3. Subtitle B. Sec.214 (a) of the Campaign Finance Emergency Act of 2012, provides in pertinent part that “[a]ll newspaper or magazine advertising, posters, circulars, billboards, handbills, bumper stickers, sample ballots, initiative, referendum, or recall petitions and other printed matter with reference to or intended for support or defeat of a candidate or group of candidates for nomination or election to any public office, or for support or defeat of any initiative, referendum, or recall measure, shall be identified by the words ”paid for by” followed by the name and address of the payer or the committee or other person and its treasurer on whose behalf the material appears.”
4. Respondent committee did not create or circulate the document referenced in the complaint nor is it responsible for the document’s content.

Conclusion of Law

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

1. The printed matter referenced in Ms. Brizill’s was not campaign literature intended for the support or defeat of a candidate pursuant to Subtitle B. Sec.214 (a) of the Campaign Finance Emergency Act of 2012.
2. The requirement to identify campaign literature does not apply to the document referenced in the complaint.
3. The respondent committee did not violate the provisions of Subtitle B. Sec.214 (a) of the Campaign Finance Emergency Act of 2012.

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 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 Patricia C. Brown via e-mail at hrzcom@aol.com and by first class postage pre-paid mail on April 17, 2012.

cc: Dorothy Brizill

NOTICE

Pursuant to 3DCMR §3711.5 (March 2010), 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.