

**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: April 17, 2012
	)	
Salatti for Ward 5	)	DOCKET NO.: OCF FI-104
Robert A. Spelke, Treasurer	)	
9721 Whitley Park Place	)	
Bethesda, MD 20814	)	

**ORDER**

**Statement of the Case**

This matter comes before the Office of Campaign Finance (OCF) upon a complaint filed by Robert Kabel, Chairman of the District of Columbia Republican Committee, on January 13, 2012, which alleged that John Salatti, candidate for Ward 5 Councilmember in the May 15, 2012 Special Election (hereinafter respondent candidate), failed to timely file a Statement of Candidacy with OCF as required by Subtitle B. Sec. 206 (1) of the Campaign Finance Emergency Act of 2012.

By Notice of Hearing, Statement of Violations and Order of Appearance (hereinafter Notice of Hearing) dated March 16, 2012, OCF ordered Robert A. Spelke (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. 206 (1) of the Campaign Finance Emergency Act of 2012 and fined accordingly.

**Summary of Evidence**

Mr. Kabel alleged that the respondent candidate's website included the following information: "Paid for by Salatti for Ward 5, 131 U Street, NW, Washington, D.C. 20001, Allison Reese, Treasurer. A copy of our report is filed with the Director of Campaign Finance." Notwithstanding the foregoing, the respondent candidate's Principal Campaign Committee (PCC) was not registered with OCF in violation of Subtitle B. Sec. 206 (1) of the Campaign Finance Emergency Act of 2012.

On March 26, 2012, the respondent candidate and the respondent treasurer appeared at the scheduled hearing pro-se. OCF was represented by Sonya Lake, Public Affairs Specialist. Ms. Lake alleged that the respondent committee violated Subtitle B. Sec. 206 (1) of the Campaign Finance Emergency Act of 2012 (Act) by failing to timely file a Statement of Organization with OCF.

Respondent candidate stated that he collected petitions from the Board of Elections on January 20, 2012 and he registered with OCF on January 26, 2012, which was within 10 days after the respondent committee was organized. Respondent candidate additionally stated that he withdrew his candidacy shortly after registering with OCF and filed a termination report on February 14, 2012. Respondent candidate further stated that pursuant to his withdrawal as a

candidate, he instructed the treasurer of the respondent committee to refund all contributions received to date and to return any new contributions.

On March 28, 2012, the respondent treasurer provided copies of refund checks to OCF.

**Findings of Fact**

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

1. The respondent committee was required to register with OCF within 10 days after organizing as a political committee in accordance with Subtitle B. Sec. 206 (1) of the Campaign Finance Emergency Act of 2012 (Act).
2. The respondent committee filed a Statement of Organization with OCF within 10 days of collecting petitions from the Board of Elections on January 20, 2012, but more than 10 days after publishing campaign information on a website.
3. Although the respondent committee did not file a Statement of Organization with OCF until January 26, 2012, the committee's website indicated that it was engaged in campaign activity on or about January 13, 2012, more than 10 days prior to filing with OCF.
4. The respondent committee's Statement of Organization should have been filed on or before January 23, 2012.
5. The respondent committee's non-compliance with the Act was rectified within three days of the date on which the Statement of Organization was due.
6. The respondent committee filed a termination and refunded all contributions.
7. The respondent candidate has a history of compliance with OCF statutory requirements.

**Conclusions of Law**

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

1. Respondent committee violated Subtitle B. Sec. 206 (1) of the Campaign Finance Emergency Act of 2012 (Act)
2. The penalty established at §§3711.2(d) and 3711.4 for failure to file a statement of organization for a political committee as required by Subtitle B. Sec. 206 (1) of the Campaign Finance Emergency Act of 2012 (Act) is a fine of \$30.00 for each day of non-compliance.

3. In accordance with the Campaign Finance Emergency Act of 2012 (Act), the respondent committee may be fined a maximum of \$90.00 for failing to file a statement of organization for a political committee.
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 compliance with the registration requirements, withdrawal and refund of contributions, combined 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 in this matter.

\_\_\_\_\_  
Date

\_\_\_\_\_  
William O. Sanford  
Hearing Officer

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 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 Robert Spelke by first class postage pre-paid mail on April 17, 2011.

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**NOTICE**

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