

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 433
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: November 13, 2012
)	
Kathy Henderson, ANC Candidate)	Docket No: P.I. 2012-122
SMD 5D05)	
1807 L Street, NE)	
Washington, DC 20002)	

CEASE AND DESIST ORDER

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel pursuant to a resident's "Request for Comment" from the Director of Campaign Finance relative to the legality of disseminating campaign literature used in a former campaign for a different office during the current 2012 General Elections. Specifically, it was alleged that Kathy Henderson, ANC Candidate, SMD 5D05 (hereinafter referred to as respondent) circulated campaign literature supporting her candidacy for the office of Ward 5 Councilmember in the May 2012 Special Election during the November 2012 General Election, in which she is a candidate for the office of Advisory Neighborhood Commissioner (ANC).

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 6, 2012, OCF ordered the respondent to appear at a scheduled hearing on November 8, 2012 to show cause why she should not be found in violation of the District of Columbia Campaign Finance Act of 2011 (the Act), and fined accordingly.

On November 8, 2012, the respondent appeared at the scheduled hearing, and admitted to dissemination of campaign literature relative to a former campaign for a Ward 5 Council seat in the District of Columbia. However, the respondent stated that she could not find authority in the statute, or on OCF's website, to indicate that she was in violation of the District of Columbia's campaign finance laws. The respondent stated that she was informed by Mr. Williams, OCF's Public Affairs Manager, to cease and desist from further circulation of the former campaign literature, to which she immediately complied. The respondent further stated that she is an environmentalist who believes in recycling materials, ergo her use of former campaign literature. The respondent entered into evidence a flier, which highlighted her platform as an ANC candidate, that she claims accompanied the distribution of her former campaign literature. It is noted that the ANC flier did not contain the statutorily required payer notice on campaign literature. The respondent further testified that she spent less than \$50 on her ANC campaign.

IN THE MATTER OF: Kathy Henderson, ANC Candidate
Page 2

Having reviewed the record herein, I find that the respondent failed to include the required notice on current campaign literature in support of her ANC campaign pursuant to D.C. Official Code § 1-1163.15. Accordingly, the respondent is found in violation of D.C. Official Code § 1-1163.15.

WHEREFORE, IN ACCORDANCE WITH 3DCMR §3710, IT IS HEREBY ORDERED, that respondent shall Cease and Desist from distributing campaign literature that is not associated with a current campaign for office in the District of Columbia; and that all campaign literature disseminated in the future must contain the required notice of payer information. Failure to comply with this Order may result in a fine of \$500 per violation as prescribed by 3DCMR §3711.2(n).

Date

_____/s/_____
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 Candidate Kathy Henderson via email at khenderson029@aol.com and by regular mail on November 13, 2012.

_____/s/_____

NOTICE

Pursuant to 3DCMR §3711.5 (March 2007), 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.