

**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: March 5, 2013
)	
Michael A. Brown, Candidate)	DOCKET NO.: P.I. 2013-001
Michael Brown 2013)	
One Thomas Circle, NW, 9 th Floor)	
Washington, DC 20005)	

ORDER

STATEMENT OF THE CASE

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel pursuant to a complaint filed by Dorothy A. Brizill, Executive Director, DC Watch, based allegations that Michael A. Brown, candidate for District of Council At-Large, in the 2013 Special Election (hereinafter referred to as respondent candidate) used campaign materials/literature in his 2013 campaign that were paid for by the Michael Brown 2012 Committee. Further, it was alleged that campaign literature was being distributed bearing the following language, "Re-elect Michael A. Brown, DC Council At-Large 2012, Paid for by Michael Brown Committee, Hakim Sutton, Treasurer" in violation of D.C. Official Code §1-1163.15(a)(2001Edition). It should be noted that respondent candidate serves a Chairperson, Treasurer and Custodian of Records for the Michael Brown 2013 campaign.

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 30, 2013, OCF ordered the respondent candidate to appear at a scheduled hearing on February 8, 2013 and show cause why the Michael Brown 2013 Committee should not be found in violation of the District of Columbia Campaign Finance Act of 2011 (the Act), and fined accordingly.

SUMMARY OF EVIDENCE

On February 8, 2013, the respondent candidate appeared at the scheduled hearing and testified that he finds it incredulous that his 2013 campaign circulators would be distributing campaign literature from his 2012 campaign because he ran out of the alleged literature approximately one (1) month prior to the November 2012 elections. Further,

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the respondent candidate stated that he fired his former campaign treasurer, Hakim Sutton, after money was stolen from his campaign account; and that any reference to Mr. Sutton on campaign literature would not be helpful to him. Moreover, the respondent candidate stated that new (or 2013) campaign literature has been in circulation for the past three (3) to four (4) months. He added that he would not circulate any information with the wrong website address on it. The Hearing Officer raised the issue that as of January 29, 2013, the michaelbrown2012.com website, with a copyright date of 2013, remains on the web. The Hearing Officer cited the publication as containing misleading information which references the candidate respondent's position on the District of Columbia Council as Chairman pro tempore, among others, as current information. Respondent candidate stated that he was not aware that his 2012 campaign website was still on the web, and that he would contact the host company immediately to shut it down. Respondent candidate agreed to email the host company and to transmit a copy of that email to the Hearing Officer. On February 14, 2013, or six (6) days subsequent to the hearing, the Hearing Officer found that michaelbrown2012.com remained on the web. However, on March 1, 2013, the Hearing Officer confirmed that michaelbrown2012.com had been shut down, with an offline message that refers visitors to michaelbrown2013.com.

Having reviewed the record herein, I find the respondent candidate to be credible, and I hereby recommend that this matter be dismissed.

WHEREFORE, IN ACCORDANCE, WITH 3DCMR §3705.1(a), IT IS HEREBY ORDERED that the matter referenced herein is dismissed.



March 08, 2013
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 Candidate Michael A. Brown by email at mbrown20015@aol.com, and by regular mail on March 8, 2013.

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NOTICE

Any party adversely affected by an Order of the Director may obtain review of the Order by filing a request for a hearing *de novo* with the Board of Elections. Pursuant to 3DCMR §3711.6, 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 to the D.C. Treasurer, c/o Office of Campaign Finance, 2000 Fourteenth Street, N.W., Suite 433, Washington, D.C. 20009.