

**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 2, 2012
)	
Chris Harlow, ANC Candidate)	DOCKET NO.: P.I. 2012-118
SMD 6B06)	
1306 Pennsylvania Avenue, SE, #202)	
Washington, DC 20003)	

CEASE AND DESIST ORDER

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel pursuant to a complaint filed against Chris Harlow, ANC Candidate, SMD 6B06 (hereinafter respondent). The complaint alleged that the respondent failed to include the words, "paid for by" on campaign literature, followed by the name and address of the payer of such literature as required by D.C. Official Code § 1-1163.15(a)(2001 Edition).

By Notice of Hearing, Statement of Violations and Order of Appearance dated October 26, 2012, OCF ordered the respondent to appear at a scheduled hearing on October 31, 2012 and show cause why he should not be found in violation of the District of Columbia Campaign Finance Act of 2011 (the Act), and fined accordingly.

On October 23, 2012, the respondent filed a Report of Exemption For A Candidate Spending Less Than \$500 with OCF. On October 29, 2012, OCF received a Notarized Answer to allegations appearing in its Notice of Hearing, Statement of Violations and Order of Appearance, including copies of printing bills totaling \$245 for campaign literature. The bills indicated that the respondent was billed directly for such expenses. On October 31, 2012, Sadina M. Montani, Esq., Vedder Price, P.C., filed a Notice of Appearance, which entered her appearance at the hearing on behalf of the respondent .

At the hearing, Ms. Montani argued that the respondent did not believe he was required to file required notices on campaign literature based on a provision in D.C. Official Code § 1-1163.14, which he interpreted as exempting the filing of such notice. The respondent further argues that language in the referenced statute specifically provides for such an exemption, where a candidate anticipates spending or spends less than \$500 on his or her campaign. Ms. Montani added that the respondent is an attorney, and a first-time candidate for elective office in the District of Columbia.

IN THE MATTER OF: Chris Harlow, ANC Candidate

Page 2

Notwithstanding the respondent's interpretation of D.C. Official Code §1-1163.14, this statute neither contemplates, implies nor grants an exemption from the requirement to file notice of the payer of campaign literature on such literature. Further, the exemption referenced herein applies to the filing of periodic Reports of Receipts and Expenditures by candidates or their principal campaign committees during an election year. Moreover, an exemption from the notice requirement on campaign literature would run counter to public policy, legislative history, and a specific statute (D.C. Official Code §1-1163.15) which underscores the public's right to know the source(s) of money spent on election campaigns in the District of Columbia.

Having reviewed the record herein, I find that the respondent failed to include the required notice on campaign literature 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 not bearing the required notice pursuant to D.C. Official Code §1-1163.15 effective immediately. Failure to comply with this Order may result in a fine of \$500 per violation as prescribed by 3DCMR §3711.2(n).

November 2, 2012
Date

Cecily K. Collier-Montgomery
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 Chris Harlow via email at charlow1998@gmail.com and by regular mail on November 2, 2012.

cc: Sadina M. Montani, Esq.
Vedder Price PC
1401 I Street, NW
Suite 1100
Washington, DC 20005
smontani@vedderprice.com

IN THE MATTER OF: Chris Harlow, ANC Candidate

Page 3

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.