

**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 5, 2012
)	
Timothy Thomas, ANC Candidate)	DOCKET NO.: P.I. 2012-119
SMD 5B01)	
4716 Eastern Avenue, NE)	
Washington, DC 20017)	

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 Timothy Thomas, ANC Candidate, SMD 5B01 (hereinafter respondent). The complaint alleged that the respondent may have violated District of Columbia campaign finance laws as follows: (1) by failing 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); and (2) by including the words, “Re-Elect On November 6, 2012 Barack Obama For President” on campaign posters.

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 to 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 31, 2012, the respondent did not appear for the scheduled hearing. However, on November 1, 2012, the respondent visited OCF and explained that he did not receive the hearing notice until the evening of the scheduled hearing. Consequently, the respondent was instructed to file an affidavit with OCF to provide an explanation relative to the allegations. On November 2, 2012, OCF received a notarized Declaration from the respondent. In the Declaration, the respondent admitted his failure to instruct the printers to include the required payer information on campaign signs purchased by his campaign. Further, the respondent stated that other campaign literature used by the campaign contained the required information. Respondent stated that after becoming aware of the discrepancy in his campaign posters, he removed signs placed at One Judiciary Square, and that he is attempting to recall signs placed on private property. Moreover, respondent stated that signs remaining in his possession will not be circulated. The respondent failed to address the reference to President Obama in his Declaration.

IN THE MATTER OF: Timothy Thomas, ANC Candidate
Page 2

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 that does not contain the required notice of payer information, and that he shall refrain from using unauthorized references to President Obama in all campaign literature. Failure to comply with this Order may result in a fine of \$500 per violation as prescribed by 3DCMR §3711.2(n).

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 Timothy Thomas via email at txthomas2202@gmail.com and by regular mail on November 5, 2012.

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.