

In the Matter of: **Committee to Elect Childs (d)**
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about October 1, 2000 from the members and friends of Salem Baptist Church of Washington, D. C.

Background

On October 16, 2000, Marie Drissel complained that the Committee had filed its October 10, 2000 R&E Report 3 days late and that the R&E Report failed to disclose expenditures for, among other things, posters and t-shirts. Upon review of the complaint, OCF initiated a preliminary investigation into this matter. On October 20, 2000, OCF dispatched letters to Ms. Drissel and A. Wayne Strickland, Treasurer, the Committee, to request any information relevant to the matter no later than October 27, 2000; and to discuss this matter at an informal hearing previously scheduled for the latter on October 30, 2000.²

On October 30, 2000, an informal hearing on this matter was held. Mr. Strickland appeared with the candidate, Robert G. Childs, and counsel for the Committee, Curtis Lewis, Esq., of Curtis Lewis and Associates, in Washington, D. C. As a result of the information obtained therein, OCF sought independent verification of all sources identified by both parties. It should be noted that also on October 30, 2000, the Committee submitted an amended October 10, 2000 and its 8-Day Before the General Election R&E Reports.

Whereupon, on November 2, 2000, at 12:16 p.m., Ms. Drissel submitted a second complaint wherein she alleged that the Committee failed to disclose information regarding other types of expenditures, in addition to the alleged omissions previously related in her first complaint. Upon review thereof, OCF incorporated the complaint with the previous complaint and facsimiled the document to Mr. Lewis for a response from the Committee.

On November 6, 2000, Ms. Drissel submitted a complaint against the Committee alleging that "Rev. Leonard Howard, Pastor of Salem Baptist Church, 917 N Street, N. W., 'made an appeal for financial support and endorsement on behalf of Rev. Childs' on or about October 1, 2000." She states that "[n]o cash was reported on page 2 in 11(a) (Memo Entry Unitemized \$) yet requests were made in envelopes that could not be mailed unless slipped into another envelope." She attached a letter from "Watch Dog D.C. Vote!" addressed to "Dear Peggy [Cafritz]" stating that a contribution envelope for Mr. Childs and a flyer³, also attached, were contained within the church's bulletin.

It should be noted that, thereafter, Ms. Drissel submitted 2 additional complaints, which were officially received by OCF on November 7, 2000, and January 5, 2001. The former

² Prior to receipt of Ms. Drissel's first complaint, OCF had scheduled the Committee for an informal hearing on October 30, 2000 regarding the matter of the committee's alleged untimely filing of the October 10, 2000 R&E Report.

³ In this complaint, Ms. Drissel resurrects her allegations regarding the Committee's filings and campaign literature. Those issues were resolved in previous OCF Orders on this matter.

was resolved by Order dated February 6, 2001; the resolution of the latter will be contained in a separate Order.

As a result of the 4 complaints, Mr. Childs requested and was granted, by telephone, on November 8, 2000, at least 4 weeks to provide the information required to respond to the remaining allegations. He said that he still had pending OCF Reports of Receipts and Expenditures, and amendments, to submit. On or around December 11, 2000, at his request, Mr. Childs was granted an additional month within which to submit the required information due to the fact that he was on work-related travel and had not received the specified bills and invoices.

On January 9, 2001, OCF dispatched a Notice of Hearing, Statement of Violations and Order of Appearance to the candidate, Robert Childs, and A. Wayne Strickland, Committee Treasurer, requiring one or both to provide the requested additional information on the record. On January 22, 2001, an informal hearing on this matter was held. Mr. Childs appeared and provided the requested information.

The scope of the OCF investigation in this matter encompassed interviewing members of Salem Baptist Church of Washington, D. C.; and gathering, reviewing and verifying pertinent submitted information.

Relevant Statutory and Regulatory Provisions

D. C. Code §1-1416(a) states, in part, "The treasurer of each political committee supporting a candidate. . .shall file with the Director. . .reports of receipts and expenditures[. S]uch report shall be filed[, among other reports,] on the 10th day of. . .October[, and on the 8th day next preceding the date on which such election is held[.]"

D. C. Code §1-1416(b) states, in part, "Each report under this section shall disclose . . . (6) [t]he net amount of proceeds from. . .[m]ass collections made at [fundraising] events[.]"

D. C. Code §1-1435(b)(3) states, in part, "The aggregate set of penalties imposed under the authority of [the Director] may not exceed \$2000."

At 3 D.C.M.R. §3711.2, it reads, in part, "Fines shall be imposed as follows: . . . (f) failure to file [R&E Reports,] \$30 per day[; and] (bb) failure to disclose required information on [R&E Reports,] \$30 per day."

At 3 D.C.M.R. §3711.4, it reads, "In calculating the time period for delinquencies, Saturdays, Sundays, and holidays shall not be included."

At 3 D.C.M.R. §3711.5, it reads, "Any fine imposed by the Director, under §3711.2, shall become effective on the sixteenth (16th) day following the issuance of a decision and order; Provided, that, the respondent does not request a hearing under §3709.12."

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At 3 D.C.M.R. §3711.7, it reads, "Fines imposed under his chapter shall be paid within ten (10) days of the effective date, at the OCF, Frank D. Reeves Municipal Building, 2000 14th Street, N. W., Washington, D. C., 20009, by money order or check made payable to the D. C. Treasurer."

Summary of Evidence

In support of her complaint, Ms. Drissel submitted her notarized letter of November 6, 2000, with the above stated relevant enclosures. See Attachment A. The Committee, through Mr. Childs, relies upon his responses, in seriatim, to the complaints, given under oath on January 22, 2001.

OCF relies upon the confirmation and verification by the OCF investigator of all statements given under oath. See Attachment B. Finally, OCF relies upon information gleaned by the undersigned during the informal hearing of January 22, 2001.

Findings of Fact

Having reviewed the allegations and respondents' answers, I find:

1. Rev. Leonard Howard, the Pastor of Salem Baptist Church on 917 N Street, N.W., Washington, D. C., is ill and unable to be interviewed in this matter. See Attachment B.
2. During Rev. Howard's illness, all queries with regard to church business are directed to Deacon William L. Harris. Id.
3. Deacon Harris was in attendance at Salem on October 1, 2000. Id.
4. "Rev. Howard gave neither solicitation for financial support nor general endorsement for Rev. Childs." Id.
5. Rev. Howard did not collect any funds on behalf of the candidate at Salem Baptist Church on October 1, 2000 or at any other time. Id.

Conclusions of Law

Based upon the record and evidence, I therefore conclude:

The Committee did not violate D. C. Code §1-1416(b)(6)(B) and did not fail to disclose on its October 10, 2000 Report of Receipts and Expenditures a mass collection from Salem Baptist Church on or about October 1, 2000 because Rev. Leonard Howard, Pastor, did not conduct a mass collection from the members and friends of Salem Baptist Church on behalf of the candidate.

Recommendation

I hereby recommend the Director to dismiss this complaint.

Date

Kathy S. Williams
General Counsel

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ORDER OF THE DIRECTOR

IT IS ORDERED that this matter be dismissed.

This Order may be appealed to the Board of Elections and Ethics within 15 days from issuance.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have been served with a true copy of the foregoing Order.

cc: Curtis Lewis, Esq.
Curtis Lewis and Associate
1750 New York Avenue, N. W.
Washington, D. C. 20004

Robert G. Childs
1624 Webster Street, N. W.
Washington, D. C. 20011

A. Wayne Strickland
1806 Valley Terrace, S. E.
Washington, D. C. 20032

Marie Drissel
2135 Bancroft Place, N. W.
Washington, D. C. 20008

Pursuant to 3 D.C.M.R. §3711.5 (1999), 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 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.