

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
SUITE 420, 2000 14TH STREET, N.W.
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: February 14, 2007
)	
The Honorable Lucretia Hockaday)	DOCKET NO.: PI-001-06
ANC Commissioner 4D06)	
907 Decatur Street, N.W.)	
Washington, D.C. 20011)	

ORDER

Statement of the Case

This matter arises out of a complaint filed by Denise Anderson (complainant), 608 Emerson Street, N.W., Washington, D.C., 20011, alleging a violation of the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974 (the Act), as amended, D.C. Official Code §§1-1101.01 *et seq.* (2001 Edition). Complainant alleged that Commissioner Lucretia Hockaday (respondent) violated D.C. Official Code §1-1106.51(a) by improperly using government funds to support her ANC Commissioner re-election campaign and placing a political solicitation in the “September-October Edition 2006” of Commissioner 4D06 Newsletter.

Issue

Whether respondent allegedly misused government funds, in contravention of D.C. Official Code §1-1106.51(a), to publish a political solicitation which contained the words “Please Vote November 7, 2006, and re-elect Lucretia Hockaday for your ANC Commissioner 4D06,” in the September-October Edition 2006 of the Commissioner 4D06 Newsletter.

Background

On September 18, 2006, an e-mail drafted by complainant was forwarded to the Office of Campaign Finance (OCF). The e-mail alleged that respondent improperly used government resources to support her candidacy for the elected office position of ANC Commissioner 4D06.

As a result of complainant’s e-mail, OCF was prompted to query her regarding her assertions. Amani Hamilton, the OCF Hearing Officer, contacted complainant and obtained a copy of the September-October Newsletter. Accordingly, OCF discovered that respondent may have violated the Act. By November 10, 2006, a preliminary investigation had been instituted in the matter and letters were dispatched to respondent.

On December 11, 2006, an informal hearing was conducted with respondent by Hearing Officer Hamilton. During the hearing, respondent confirmed her statements and submitted for the record. The investigation was completed on January 9, 2007.

The scope of the OCF investigation encompassed gathering, reviewing and verifying the pertinent submitted information; examining applicable OCF records; research; interviews; and in-house meetings.

Relevant Statutory Provision

D.C. Official Code §1-207.38(c)(2) reads, in part: “Each Advisory Neighborhood Commission [m]ay employ staff and expend, for public purposes within its neighborhood commission area, public funds[.]”

D.C. Official Code §1-1106.51(a) reads, in part, “No resources of the District of Columbia government, including, the expenditure of funds, the personal services of employees during their hours of work, and nonpersonal services, including supplies, materials, equipment, office space, facilities, telephones and other utilities, shall be used to support or oppose any candidate for elected office, whether partisan or nonpartisan. (Emphasis added.)”

Summary of Evidence

In support of her complaint, complainant submitted the “September-October Edition 2006” of Commissioner 4D06 Newsletter, which includes an announcement to “Please Vote!!” with, inter alia, “Re-Elect Lucretia Hockaday” at the bottom; and, the September 2006 “Financial Report,” wherein it is shown that checks totaling \$734.00 were issued for the 4D06 Newsletter. See Attachments A-B.

Respondent relied upon her written response dated November 10, 2006, wherein she admitted to using the newsletter for re-election purposes and that she was unaware of any prohibition thereof. See Attachment C.

OCF relied upon the cited Exhibits; the informal hearing conducted by Hearing Officer Hamilton, and her confirmation and verification of all statements given under oath; and, official District records and reports.

Finding of Facts

Having reviewed the allegations, the responses and the entire record, I find:

1. During the month of September, Lucretia Hockaday, the incumbent candidate for Commissioner of ANC 4D06, caused the September-October Edition 2006 of Commissioner 4D06 Newsletter to be distributed to residents of 4D06 and her constituents. See Attachments A & C.
2. Commissioner Hockaday was the publisher of Commissioner 4D08 Newsletter, and had the ultimate authority thereof. Id.
3. Commissioner Hockaday produced and designed the Commissioner 4D08 Newsletter and received \$723.00 from ANC funds to create and distribute the September-October 2006 Edition of the Commissioner 4D06 Newsletter.

Conclusions of Law

Based upon the record and evidence, I therefore conclude:

1. Lucretia Hockaday is the Commissioner for ANC 4D06, imbued with the right and the authority to produce and distribute, at the expense of the District of Columbia Government, the newsletter, Commissioner 4D06 Newsletter, to her constituents and residents pursuant D.C. Official Code §1-207.38(c)(2).
2. Commissioner 4D06 Newsletter is not created and distributed for the support of the campaign of the incumbent ANC Commissioner of 4608, Lucretia Hockaday, because it is financed with District of Columbia Government funds, as allowed by D.C. Official Code §1-207.38(c)(2).
3. Commissioner Lucretia Hockaday contravened the Act at D.C. Official Code §1-1106.51(a) because she spend District of Columbia Government funds on a campaign related matter when she created and distributed the September-October Edition 2006 of Commissioner 4D06 Newsletter, which included an announcement, inter alia, to “Re-Elect Lucretia Hockaday.”

Recommendation

I hereby recommend the Director to order ANC Commissioner 4D08 Lucretia Hockaday to reimburse ANC 4D, within 6 months, in the amount of \$734.00 for all expenses associated with the creation and distribution of the September-October Edition 2006 of Commissioner 4D06 Newsletter.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that ANC 4D08 Commissioner Lucretia Hockaday reimburse ANC 4D, within 6 months, in the amount of \$723.00 00 for all expenses associated with the creation and distribution of the September-October Edition 2006 of Commissioner 4D06 Newsletter.

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 served a true copy of the foregoing order.

April Williams
Clerk

cc: Denise Anderson
608 Emerson Street, N.W.
Washington, D.C. 20011

The Honorable Lucretia Hockaday
ANC Commissioner 4D08
907 Decatur Street, N.W.
Washington, D.C. 20011

The Honorable Deborah Nichols
D.C. Auditor
Office of the D.C. Auditor
Washington, D.C.

Members
ANC 4D