

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Elections and Ethics
441 4th Street, N.W.
Washington, D.C. 20001

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS
REGULAR BOARD MEETING

MICHAEL BENNETT, Chairman
MICHAEL D. GILL, Board Member
CECILY COLLIER-MONTGOMERY, Director
Office of Campaign Finance
DIONNA M. LEWIS, Board Member
KENNETH McGHIE, General Counsel
ALICE P. MILLER, Executive Director

10:51 a.m. to 12:06 p.m.
Wednesday, May 3, 2017

One Judiciary Square
441 4th Street, N.W., Room 280 North
Washington, D.C.

OLENDER REPORTING, INC.
1100 Connecticut Avenue, N.W., #810, Washington D.C. 20036
Washington: (202) 898-1108 / Baltimore: (410) 752-3376
Toll Free: (888) 445-3376

PRESENT:

Board of Elections and Ethics:

DIONNA LEWIS, Board Member

Executive Director:

ALICE MILLER

General Counsel:

KENNETH J. MCGHIE

Office of Campaign Finance:

CECILY COLLIER-MONTGOMERY

ADDITIONAL SPEAKERS:

Michael Sindram

Deborah Brizil

William Sanford

C O N T E N T S

	PAGE
Adoption of Agenda	4
Adoption of Minutes Regular Board Meeting Wednesday, April 5, 2017	5
Executive Director's Report.	24
General Counsel's Report	46
Campaign Finance Report	39
Other Matters.	51
Adjournment.	

1 P R O C E E D I N G S

2 MS. LEWIS: Good morning, everyone. I
3 call the meeting to order at 10:52 today on May
4 3rd, 2017. My name is Dionna Maria Lewis, and
5 I'm sitting in for Mr. Chairman, Michael Bennett
6 in his absence. So let's get started, and thank
7 you all for your patience today as we ran a
8 little bit behind schedule.

9 First, I'd like to refer to today's
10 agenda and have a motion for adoption of it.

11 MR. GILL: I move to adopt today's
12 agenda.

13 MS. LEWIS: Second? All in favor?

14 SPEAKER: Aye.

15 MS. LEWIS: Today's agenda is adopted.
16 If you need copies, it is on this front table
17 here.

18 So next, I'd like to have a motion for
19 the adoption of the minutes from the April, 2017
20 meeting. Can I have a motion, please?

21 MR. GILL: April 27th or April 5th?

22 MS. LEWIS: April 5th, 2017 meeting.

23 MR. GILL: Gotcha.

1 (Laughter)

2 MR. GILL: I move to adopt the minutes
3 from the April, 2017 meeting.

4 MS. LEWIS: All in favor?

5 SPEAKER: Aye.

6 MS. LEWIS: None opposed?

7 (No response heard)

8 MS. LEWIS: Are there any board matters
9 for today's meeting?

10 (No response heard)

11 MS. LEWIS: And none from me, either.

12 So we'll go ahead and move onto public matters.

13 Do we have any public matters for today's
14 meeting?

15 I see one. Ms. Brizil, would you like to
16 approach?

17 (Pause)

18 MS. BRIZIL: Good morning.

19 MS. LEWIS: Good morning.

20 MS. BRIZIL: My name is Dorothy Brizil,
21 and I'm the executive director of D.C. Watch, a
22 good government organization in the District of
23 Columbia.

1 Can you tell me -- enlighten me as regard
2 (sic) to how you want to proceed? Do you simply
3 want me to identify the public matters and then
4 address it later on in the -- and perhaps,
5 someone address it later on in the agenda? Or do
6 you want me to detail what the issues are?

7 MS. LEWIS: Well, you can tell us what
8 the issues are, and then if it's something that
9 we can address during the public matters section,
10 then we will. If not, we'll take it under
11 advisement, and we'll have something for you by
12 the next meeting or at the next meeting.

13 MS. BRIZIL: Okay. I'm not clear as
14 regards -- what you just said. You want me to
15 identify the public matter and then, when will I
16 receive a response? And will the response come
17 later on in the agenda?

18 (No response heard)

19 MS. BRIZIL: I don't know what number
20 eight means. Public questions regarding reports.

21 MS. LEWIS: Right. So we do have a new
22 agenda structure. So where we are right now in
23 the agenda is for you to identify a public

1 matter, and then later, in number eight, members
2 of the audience have an opportunity to ask
3 questions about the reports I've presented on
4 today -- during today's meeting.

5 MS. BRIZIL: But with regard to any
6 public matter I might raise now, when would I get
7 an answer?

8 MS. LEWIS: It depends on the public
9 matter. We could perhaps address it right now.
10 It may be something that we may need to address
11 later and do some research on. So it just
12 depends.

13 So you know, if you want to identify, we
14 can kind of figure out what the next appropriate
15 step is.

16 MS. BRIZIL: My first question and
17 concern is my understanding that the offices of
18 the D.C. Board of Elections and the D.C. Office
19 of Campaign Finance are being relocated. That is
20 my first matter.

21 My second matter is I have concerns
22 regarding the matter in which the petitions for

1 Initiative 77 were circulated and eye witness
2 accounts.

3 And third, I have questions for the
4 Office of Campaign Finance regarding their
5 reports at these public meetings; the lack of
6 detail and specificity, and more specifically,
7 the questions about their release suddenly of the
8 audit of the Todd 2015 campaign.

9 MS. LEWIS: Okay. So I can tell you that
10 the matter regarding OCF reports will be
11 addressed during our campaign finance report
12 section by Ms. Montgomery.

13 So did you have something specific,
14 perhaps, that you'd like to raise about that?
15 And then I can see if Ms. Montgomery had already
16 intended to address that point?

17 MS. BRIZIL: My concern is, is that --
18 you know, the public comes to these meetings to
19 be enlightened about a number of things, in
20 addition to raising concerns about particular
21 issues.

22 I was taken aback when I realized that an
23 audit report had been released in March detailing

1 what the audit division of the Office of Campaign
2 Finance had found regarding Mr. Brandon Todd's
3 campaign in 2015.

4 I then went -- made a point of going
5 through past minutes of these board meetings, and
6 there was never any indication from the Office of
7 Campaign Finance reports that there was anything
8 amiss, either regarding the 2015 or the 2016
9 campaign. And indeed, what I am concerned about
10 is the lack of specificity.

11 For example, I just printed out the April
12 5th board minutes, and in it, Mr. Sanford, who is
13 the general counsel of the Office of Campaign
14 Finance makes a reference to three open
15 investigations.

16 I think it would behoove the Office of
17 Campaign Finance and this board to share with the
18 public some specificity about what are the open
19 investigations. And then, earlier in the
20 minutes, it refers to periodic audits have been
21 completed regarding the following committees:
22 Brandon Todd for Ward 4.

1 It doesn't tell you if the Brandon Todd
2 2015 campaign, the Brandon Todd 2016 campaign
3 (sic). I -- I -- given the recent issues that
4 have arisen regarding the whole manner in which
5 the investigation of Brandon Todd was done by the
6 Office of Campaign Finance, it makes me back up
7 and want to ask for greater specificity as
8 regards (sic) these public statements that are
9 made by Office of Campaign Finance, because I can
10 assure this board that that is what the community
11 and the public relies upon to know what's going
12 on at the Office of Campaign and Finance, and
13 when they're --

14 When you make a concerted effort to find
15 by -- find out by reading the minutes, and there
16 is no specificity, that is my issue regarding the
17 Office of Campaign and Finance.

18 MS. LEWIS: Okay.

19 MS. BRIZIL: Specifically today.

20 MS. LEWIS: Right. And I believe Ms.
21 Montgomery, and you can confirm and let me know
22 if that's correct, is going to address your
23 issues during her report period.

1 MS. BRIZIL: Okay, my -- I would
2 appreciate if Ms. Montgomery does address it, but
3 my concern goes to the board processing
4 procedure. I would ask this board that with
5 regard to the report for the Office of Campaign
6 Finance, which is made a part of the record of
7 this public -- monthly public meeting, that she
8 be required to give greater specificity, as I --
9 a classic example is, is that you go through
10 several months of her reports to this board, and
11 it says Brandon Todd for Ward 4.

12 But it never told you that it was an
13 investigation regarding Brandon Todd Ward 4 2015
14 Committee. I think that's a significant --
15 really significant.

16 So the issues I had were the relocation
17 of the offices of concerns regarding the
18 circulation of petitions for Initiative 77, and
19 the Office of Campaign Finance report -- public
20 report through the board.

21 MS. LEWIS: Okay, so we --

22 (Discussion off the record)

1 MS. LEWIS: So I think I'm going to defer
2 to our current executive director, Ms. Miller, to
3 address your concerns regarding the relocation
4 piece.

5 MS. BRIZIL: Okay.

6 MS. LEWIS: Did you want to discuss your
7 concerning regarding that, or kind of was the
8 topic that you gave us -- or expressing the
9 interest earlier?

10 MS. BRIZIL: Well, I have concerns. I
11 would like to hear Ms. Miller's report.

12 MS. LEWIS: Okay. Yeah, well, I can tell
13 you that. That -- there is pending the
14 possibility of the agency being moved. There has
15 not been anything firm by way of a lease or
16 contract in place. That's all being handled
17 through the Department of General Services and
18 VIGA DS. We are not at a point where we can
19 publicly announce anything.

20 That's not in our move. It's all a
21 capital project. It's all under capital funding.
22 It's through Department of General Services that

1 -- you know, that that process is being operated
2 on, so --

3 MS. BRIZIL: I appreciate that.

4 MS. LEWIS: Yeah.

5 MS. BRIZIL: Then my concerns are timely,
6 then.

7 (Pause)

8 MS. BRIZIL: I cannot stress enough the
9 importance of where the offices are located for
10 both the Office of Campaign Finance and the Board
11 of Elections, just as I could not stress enough
12 whenever the board relocates a polling site.

13 First and foremost, it needs to be
14 accessible. There needs to be some reasonable
15 accommodation for parking, and with regard to
16 this relocation, which I understand is going to
17 be down in southwest in the vicinity of the
18 Nationals ballpark, I would say generally, number
19 one: If you try to get to that area on a game
20 day, it is traffic gridlock. Okay?

21 The good thing about the site -- the
22 Office of Campaign Finance and the Board of
23 Elections, is its accessibility to metro --

1 various metro lines, metro buses, and even though
2 there is street parking, at least there is street
3 parking. On game days, there is no street
4 parking, and parking at lots down in southwest is
5 extremely expensive.

6 I first became aware of the plans to
7 relocate down there because I was hearing
8 complaints from the staff. I would only ask this
9 board to do one thing before you move forward.
10 This is not a move that should be done lightly.
11 I think a dialogue and a discussion needs to take
12 place with two groups of people. One is the
13 staff that work at both offices, and two, the
14 general public.

15 I used to live in southwest, at Harvard
16 Square. I know what it's like down there at
17 dark. You might have a lot of people buzzing
18 around on game day or when the federal offices
19 are open down there, but it is a desert at night;
20 a very dangerous desert at night.

21 I am glad to hear that no lease has been
22 signed and no contract has been signed, and I
23 also am fully aware that for more than five

1 years, an effort has been made to try to relocate
2 both offices. But this is one of the instances
3 where I ask you -- I urge you to go back to the
4 drawing board and have certain criteria for
5 selecting a site.

6 It's not that it's a new fancy office
7 building that they can't probably lease
8 otherwise, but it needs to be accommodating to
9 both the people who have to work here, as well as
10 the people who have to visit here and do
11 business. And I can only stress that enough.
12 And I would like to submit a formal request to
13 that extent to the board, because I feel so
14 strongly about it.

15 MS. LEWIS: Okay. Thank you. And Ms.
16 Brizil, we are running short on time for each
17 individual public period, and I know you only
18 have one issue left. So did you want to raise
19 your issue regarding the manner in which the 77th
20 --

21 (Simultaneous discussion)

22 MS. BRIZIL: I would like to hear the
23 report from the register of voters in terms of

1 her assessment of the petitions, but I personally
2 observe the irregularities in the circulation of
3 the petitions. And because I have some expertise
4 in that area, I think that they are really
5 serious.

6 MS. MILLER: So I'll be giving the
7 report, Ms. Brizil.

8 MS. BRIZIL: Okay.

9 MS. MILLER: So that you know.

10 MS. LEWIS: Thank you.

11 MS. BRIZIL: Uh-huh.

12 MS. LEWIS: Thank you. And I apologize.
13 Ms. Brizil, would you mind putting your address
14 on the record for --

15 MS. BRIZIL: My address is 1327 Girard
16 Street, Northwest, G-I-R-A-R-D Street, Northwest.

17 MS. LEWIS: Thank you very much. Do we
18 have any other public matters today? Mr.
19 Sindram?

20 MR. SINDRAM: Yes, there are. In light
21 of the relocation of the campaign finance office,
22 might I suggest that 441 Fourth Street Northwest

1 Judiciary would foot the bill. Fine. The eighth
2 floor specifically, north.

3 The Office of Veterans Affairs, which has
4 been dormant -- I believe they have one staffer.
5 They were in the Wilson building, could then re-
6 relocate again and make that space available.
7 That would be win-win for all concerned, and it
8 would consolidate the Board of Elections,
9 Campaign and Finance and all others.

10 I do have concerns regarding Brandon
11 Todd, and I want to broach those at the
12 appropriate time. And then last but not least,
13 the council recently had not only oversight, but
14 budget. And while Alice Miller is director, she
15 is not the board chair.

16 You have three commissioners, one of
17 which you are, and no commissioners show. I
18 mean, if VIGA can have their chair and all other
19 entities as well, why not the Board of Elections?
20 That leads me to believe that you all
21 commissioners don't take your work seriously.

22 I understand we have a lot to do, but the
23 council is amenable to facilitating your

1 schedule, and it's imperative; it's important for
2 the board, board chair, minimally a commissioner,
3 you, Madam Chair, or your counterpart to show.
4 And again, on two occasions, for oversight and
5 for budget, as of late, that didn't happen.

6 And then, I did write to Director
7 Montgomery back on July the 9th of last year
8 regarding concerns I have. I have not gotten a
9 written response. I believe it's been put in
10 writing to you all. I can get another copy, if
11 you'd like. And I'd like to get any kind -- a
12 written response, albeit untimely.

13 Again, it was submitted, delivered by
14 hand, July the 9th of last year, and today's date
15 is what, May the 3rd of the following year?
16 That's just reprehensible, you know, to have a
17 reply so untimely again indicates that you know,
18 the affairs of campaign finance, not like Brandon
19 Todd, is not taken seriously. And that ought not
20 be.

21 MS. LEWIS: Thank you, Mr. Sindram.

22 MR. SINDRAM: Thank you.

1 MS. LEWIS: Your relocation concerns are
2 certainly noted. I believe, as we mentioned
3 earlier, Ms. Montgomery will be addressing the
4 Brandon Todd audit concern that you did raise.

5 In terms of your budget oversight
6 comment, I assure you that all the commissioners
7 and the chair on this board certainly take our
8 positions extremely seriously, and the lack of
9 attendance to that testimonial was no --
10 absolutely no indication of that, on the
11 contrary.

12 And in terms of your July 9th, 2016
13 concern that you request a written response to,
14 what was the subject matter of that, just so we
15 can make sure that we properly address that, as
16 well?

17 MR. SINDRAM: Again, my letter to
18 Director Montgomery, again, September 9th, 2016
19 reads as follows: At our sit down July 6th,
20 2016, you specifically stated all this was
21 complained were within your bailiwick and
22 jurisdiction of Office of Campaign and Finance;

1 specifically constituent services fund explained
2 more fully below.

3 As you know or should know, a pro se
4 complaint is not to be held to stringent
5 requirement as that filed by a lawyer.
6 Accordingly, the prima facie violations have been
7 set forth by this disabled veteran who served our
8 country more than most.

9 One: Councilwoman LaRuby May did
10 purchase from her constituent service fund
11 veteran craft kits. Initially paid -- it was
12 \$25, leaving a balance due and owing of \$163.
13 Expediting hearing to be advanced on a calendar
14 to the earliest practicable date, a decisional
15 process. Please phone to avoid scheduling
16 conflict.

17 Two: Council Chairman Phillip Heath
18 Mendelson did purchase from his constituent
19 service fund, shoes that has a balance due and
20 owing of \$125. Expedited hearing to be advanced
21 on calendar to earliest practicable date to a
22 decisional process. Please phone with my

1 respective phone number to avoid scheduling
2 conflict.

3 Three: Councilman Vincent Orange did
4 purchase from his constituent service fund Chase
5 debit card that has a balance due and owed of
6 \$500 to me. Expedited hearing to be advanced on
7 calendar earliest practicable date. Date
8 decisional process. Please phone, again, with my
9 phone number to avoid scheduling conflict.

10 Four: Councilwoman Mary M. Chang engaged
11 her office to offset some certain of \$820 paid
12 under oversight that has yet to be reimbursed me.
13 Expedited hearing to be advanced on calendar
14 earliest practicable date. A decisional process.
15 Please phone, with my respective phone number, to
16 avoid scheduling conflict.

17 Five: Councilwoman Yvette Alexander had
18 Denise Tolliver (phonetic 00:18:06) purchase from
19 her constituent fund female attire that has
20 balance due and owed of \$145. Expedited hearing
21 to be advanced on calendar to earliest
22 practicable date, a decisional process. Please

1 phone my respective phone number to avoid
2 scheduling conflict.

3 Thank you in advance for your assistance
4 and anticipated cooperation. And I do have one
5 question for you, Madam Chair.

6 MS. LEWIS: I'm here, Mr. Sindram.

7 MR. SINDRAM: As we speak, is there an
8 armed security guard in attendance?

9 MS. LEWIS: Yes. We do have an armed
10 security guard here in attendance, as we have
11 been at all of our recent meetings.

12 MR. SINDRAM: I just find that's
13 overkill. It's not necessary. But thank you.

14 MS. LEWIS: Thank you. And Mr. Sindram,
15 I will just note that I have confirmed with
16 Director Montgomery that the July 9th, 2016
17 letter was addressed that you were raising
18 concerns about.

19 And so would you mind just putting for
20 the record your current address into -- so we
21 have that, just to ensure that you know, whatever
22 correspondence we send to you is actually getting
23 to your accurate address.

1 MR. SINDRAM: Absolutely. It's Michael
2 Sindram, and I'll spell my surname. S-I-N, as in
3 Nancy, D-R-A-M, Mary. 6645, 6645 Georgia Avenue,
4 Northwest, apartment 306, Washington, D.C.
5 20012. 20012.

6 And to follow up, yes indeed, you are
7 correct. Ms. Montgomery did send me a letter
8 that's dated July the 8th of 2016. So my letter
9 is subsequent of July 9th, which remains pending
10 and active upon this issues -- are unresolved,
11 and again, have yet to be fully addressed.

12 MS. LEWIS: Thank you for your comments,
13 Mr. Sindram. I will also just note for our
14 record that Chairman Bennett was actually in
15 fact, at the most recent April 26th hearing,
16 which was the primary alteration amendment act.
17 So he was there in person for that.

18 Do we have any other public comments at
19 this time? Thank you, Mr. Sindram.

20 MR. SINDRAM: You're welcome.

21 (Pause)

1 MS. LEWIS: Seeing none, we'll now move
2 on to our executive director's report. Ms.
3 Miller?

4 MS. MILLER: Thank you, Madam Chair. The
5 first item under my report is the -- the
6 initiative measure number 77, District of
7 Columbia Minimum Wage Amendment Act of 2017. We
8 are going to go through what the staff has been
9 doing since that petition was filed for the
10 initiative. And I will do a report, and then
11 make a recommendation and ask the board to adopt
12 the recommendation as made.

13 Just by way of summary, the petition for
14 initiative measure number 77, District of
15 Columbia Minimum Wage Amendment Act of 2017 was
16 filed on April 3rd, 2017. That is 180 days after
17 which the petition was issued, which was timely
18 filed.

19 The petition contained 2,332 pages and
20 had 40,679 signatures. After completing the
21 procedures for verifying the voter registration
22 status of the petition, which is a pretty
23 involved status -- I mean, pretty involved

1 review. First, the board staff verifies if the
2 circulator is a resident of the District of
3 Columbia or a resident of another jurisdiction
4 who is registered as a petition circulator with
5 the board prior to the circulation of the
6 petition sheet. That determination is based
7 solely on information provided on the
8 circulator's affidavit.

9 Second, the name, address of each -- name
10 and address of each petition signer is checked
11 against our voter registration system, the
12 database, to determine if the petitioner was
13 registered to vote at the resident's address at
14 the time the petition was signed. That, as you
15 know, is required by law.

16 Only those signers whose names and
17 addresses are found to match the board's voter
18 file record are entered into the petition and
19 checked as verified signatures. Then, we take
20 those totals and we match them up against the
21 totals that are required, and we then, from that
22 point, do a match for the ward requirement.

1 The petition is required to have 5
2 percent of the registered voters sitting wide, as
3 well as 5 percent of the registered voters from 5
4 of the 8 wards. As I indicated, the petition
5 contained 40,679 signatures that was submitted.
6 On the review, it was found to have 24,906
7 verified signatures, which was above by 436 the
8 minimum number required citywide. That minimum
9 number of 5 percent was 24,470. So again, that's
10 436 above the citywide total.

11 The next step, as I indicated, was to
12 verify that it met the ward distribution of 5
13 percent, meeting five of the eight wards in 5
14 percent. The petition was found to be lacking in
15 the minimum requirement of five of the eight
16 wards, and it failed to meet the 5 percent
17 requirement for five of the eight wards.

18 And just by of documentation, I will put
19 on the record -- the ward breakdown that was
20 required in ward 1 was 3,095. We verified 4,180.
21 For ward 2, the 5 percent requirement was 2,479.
22 We verified 2,375. For ward 3, 2,917. Verified
23 1,970. Ward 4, 3,133. We verified 3,720.

1 Ward 5, 3,273. We verified 2,946. Ward
2 6, the minimum requirement was 3,861. We
3 verified 4,248. Ward 7, the 5 percent
4 requirement was 2,906. We verified 2,887. In
5 ward 8, we verified 2,806 -- I mean, the
6 requirement was 2,806. We verified 2,580.

7 So it did not meet the minimum
8 requirement in the five of eight wards, as was
9 required. Based on that, there was no need to go
10 forward with the third set, which would have been
11 to send the petition over to the Office of
12 Planning to do the signature verification on the
13 wards that were verified, where at that point,
14 the Office of Planning would have randomly
15 sampled the petition by pulling a hundred names
16 from five of the eight from those five wards.
17 Then, we would have then moved on to verify the
18 signature requirement.

19 So based on this review, it is my
20 recommendation that the board move to reject the
21 petition as numerically insufficient by not
22 reaching the five of the eight ward minimum

1 requirement in the 5 percent breakdown of
2 signatures.

3 MS. LEWIS: Well, Madam Director,
4 pursuant to your report and the insufficient
5 numerical votes or the numerically insufficient
6 in terms of the number of votes not meeting the 5
7 percent threshold of registered voter totals in
8 all of the eight wards, I would like to see if we
9 have a motion to adopt -- well, excuse me.

10 I'd like to vote to certify the adoption
11 of Director Miller's recommendation that the
12 board reject this petition as numerically
13 insufficient.

14 MR. GILL: Can I make a few comments?

15 MS. LEWIS: Absolutely.

16 MR. GILL: So this is done. Forty
17 thousand signatures. We need 24,000. That's a
18 tall order to get that. And I think it's a tall
19 order -- and we usually err on the side of -- of
20 seeing our way to getting people on ballots. I
21 mean, that's the way, and we try to do what we
22 can.

1 The second part of this, though, is the
2 eight wards. And there's been a longstanding
3 issue of whether or not we take all eight wards
4 seriously, and I assume the statute was put in
5 place by powers greater than us to make sure
6 people get out to all of the wards.

7 Five of the wards didn't meet the 5
8 percent threshold. And you know, I think it's a
9 tough threshold. I think this was a really --
10 you know, we -- we make it difficult for folks to
11 get on the ballot. And so it's with you know,
12 great regret when someone does a lot of work and
13 comes up short.

14 But I want to put it on the record that
15 we make the rules tough -- well, we don't make
16 the rules. The powers greater than us make the
17 rules tough to get people to all eight wards.
18 And it falls short there.

19 One of the other things we pressed Alice
20 on was how do we -- how do we fall short? You
21 know, what areas? You know, it comes to not
22 spending as much time in all the wards, but it

1 also comes to people get a number and then you
2 know, we have duplicates.

3 And so when we look to how do we see our
4 way to getting to the right answer, what we want
5 to do to be helpful, do we look -- do we look
6 away when we have duplicate names? You know, we
7 have folks that end up signing, and I know it's
8 difficult to get signatures, but we have folks
9 that sign it. They put their name. They put
10 their address down, and they're not registered to
11 vote. And one of the requirements is to be
12 registered to vote.

13 I find it difficult to look away if the
14 signature is not a person that's actually
15 registered to vote. You know, where we usually
16 can get some other eyes on this is when we have
17 illegible addresses and signatures, we routinely
18 during primaries and such, as we have candidates
19 come in who weren't even on the ballot, and you
20 know, they hit the exact mark and they slap high
21 fives.

22 And then they find out, you know, 200 of
23 them were not valid for various reasons. If it's

1 illegible name, we look up addresses, and we see
2 does this name come close? There's a lot of time
3 spent by staff trying to help candidates get on
4 the ballot. That's where we want to end up.

5 But at the end of the day, when we can't
6 get there, we can't get there. And I'm
7 disappointed that a lot of effort has gone into
8 this, but I also can't see a way for us to look
9 away at illegible names and duplicate signatures
10 and folks who aren't registered and circulators
11 who didn't take the time to do their
12 responsibilities.

13 It's a tough standard. They're tough
14 rules. And at the same time, there are folks who
15 get it done. And we approve ballot initiatives.
16 We approve candidates. And so it's not a
17 standard that's so high that the average citizen
18 can't get it done.

19 So it's with great regret, but I'm afraid
20 that we have no other choice but to accept the
21 recommendation from the board. I think they've
22 done their due diligence, and my vote is to vote
23 in favor of Alice's recommendation.

1 MS. LEWIS: I'll just take a moment of
2 personal privilege to echo Commissioner Gill's
3 sentiment. I think that the circulators and
4 those behind this petition did a tremendous job
5 really trying to get this petition on the ballot.
6 And I mean, there's clear evidence that there was
7 great effort made to do so.

8 Even just looking at this spread of the
9 number of registered voter totals for petition
10 77, it is clear indication that there were
11 circulators out in all eight wards. I mean, even
12 looking at ward 7, it looked like it was just shy
13 --

14 MS. MILLER: 19. I think it's 19.

15 MS. LEWIS: 19?

16 MS. MILLER: Mm-hmm.

17 MS. LEWIS: It looks like it was just shy
18 -- this was eight, eight, seven.

19 MS. MILLER: I'm sorry. Finish your
20 comment.

21 MS. LEWIS: Oh, okay. It looked like it
22 was just shy nine electorates to meet that 5
23 percent threshold. And I certainly again, echo

1 Commissioner Gill's sentiment. I mean, I want to
2 give kudos to all of those who were involved to
3 make this effort happen, and I would encourage
4 those who were involved to push for it and try
5 and get this on the ballot for the D.C. residents
6 to have a voice about it.

7 And so it is also with great regret that
8 I, too, feel like I have to vote to adopt Board
9 Member -- excuse me, Executive Director Miller's
10 recommendation not to certify this due to
11 numerical insufficiency.

12 SPEAKER: All in favor?

13 MS. LEWIS: All in favor?

14 GROUP: Aye.

15 MS. LEWIS: None opposed?

16 (No response heard)

17 MS. MILLER: I would at this time, thank
18 you for the certification of the measure as being
19 insufficient and ask the general counsel if he
20 would put on the record if the -- and I don't
21 know if the proposer is here or not, but just by
22 of a record, put on the record what, if any next

1 steps the proposer or proponent may have by way
2 of a legal challenge to the board's action today.

3 MR. MCGHIE: Okay. The board today has
4 certified that the initiative petition was
5 numerically insufficient. So the proposal of the
6 initiative would have 10 days to file in Superior
7 Court for a writ of mandamus to have the board
8 accept the initiative petition.

9 I looked at my calendar, and the 10th day
10 would fall on a Saturday, May 13th. That means
11 that it would be rolled over to Monday. So you
12 would have until Monday, May 15th, if you wanted
13 to file for that writ of mandamus.

14 Now during that 10 day period, feel free
15 to contact the register of voters or anybody on
16 the Board of Elections that dealt with the
17 initiative petition. We will be happy to show
18 you what we did and why we had to eliminate the
19 signatures. And I know we're not perfect and
20 maybe we did make a mistake.

21 So it would behoove you to make an
22 appointment and sit down with them and see where
23 and why they rejected the signatures in question.

1 And then you can make a valid determination on
2 whether or not you want to go to court and file
3 for that writ of mandamus. Again, you have 10
4 days -- a 10 day would fall -- would be on
5 Monday, May 15th.

6 MS. MILLER: And I would suggest that
7 you, in doing that, reach out to the registrar.
8 It is her and her staff who has spent a
9 tremendous amount of time and energy going
10 through this petition over the last 30 days.
11 They've been here day and night, weekends,
12 holidays.

13 So they've taken this very seriously. In
14 fact, they did two reviews of this petition.
15 They didn't just look at it one time, but when in
16 fact, there were illegible names that could not
17 be read, it went through a second reading to see
18 if we could pick some up. We were able to gather
19 some from the second review of the petition, but
20 this is not a process that's taken lightly. It's
21 taken very seriously, and they have worked
22 extremely hard to get to the end of this petition
23 process.

1 She's available. She's sitting in the
2 back there. If you would like to speak with Ms.
3 Brooks or go over any of this with Ms. Brooks and
4 members of her staff, she would be more than
5 happy to accommodate you.

6 MR. MCGHIE: And just one other thing.
7 What the Court will be doing will be looking to
8 make sure that the -- they did not make the
9 signature requirement and to make sure that they
10 did not make a ward distribution. If the
11 Superior Court finds that you did make the
12 signature requirement and ward distribution, they
13 would send it back to us.

14 And they're not sending it back to us to
15 put on the ballot. They're sending it back to us
16 to continue processing the initiative, which
17 would mean that we go to the next step, which
18 would be the verification of the signature and as
19 Ms. Miller had indicated, it would be a read
20 sample.

21 So the board would pull 100 signatures
22 from each ward and 100 signatures overall to see

1 whether or not it makes the signature
2 requirement.

3 MS. MILLER: It matched. The names
4 match.

5 MR. MCGHIE: Or it's a match.

6 MS. MILLER: Yeah, and that sample comes
7 from the Office of Planning. We don't decide,
8 for example, if it's going to be petition page
9 10, line 3 or whatever. That's a random sample
10 that's conducted through the Office of Planning.
11 They provide us with the petition pages, the line
12 number on the petition pages of the signatory
13 card that we need to pull to match.

14 And like Mr. McGhie said, it's a random
15 sample, five of the eight wards, and then a
16 random overall. So it's 200 signatures.

17 MS. LEWIS: And then also, just I'll note
18 a clarification to my prior comment about the
19 ward 7. It was actually 19 (Laughter). It was
20 19 matches. I'm not a mathematician, but 19 is
21 not 9, so I'll add 10 more to that. And that was
22 the number of deficient votes -- or electric
23 votes for that. Okay?

1 SPEAKER: Okay.

2 (Simultaneous discussion)

3 MS. LEWIS: Director Miller, did you have
4 any additional --

5 MS. MILLER: Just briefly. As has been
6 indicated, we did have scheduled hearings before
7 the Committee on the Judiciary and Public Safety
8 last month. I actually was there three times,
9 along with Mr. McGhie.

10 On Thursday, April 6th, presented
11 testimony on the general election after action
12 report and commented on the bill 22-0087, which
13 is the Elections Modernization Amendment Act of
14 2017. That bill would like to increase the
15 frequency with which the Board of Elections
16 determines the appropriately sized voting
17 precincts and also commits duly registered voters
18 to elect to receive a voter guide by electronic
19 means.

20 On Wednesday, April 26th, we presented
21 testimony on bill 22-0197, the Primary Day
22 Alteration Amendment Act. That bill would amend
23 the current election date -- primary date from

1 September to permanently changing it to the 3rd
2 Tuesday in June, and that would be June 19th for
3 purposes of next year's election. And then last
4 Thursday, we presented testimony on the board's
5 proposed FY-2018 budget.

6 MS. LEWIS: If not further matters --

7 MS. MILLER: That's it.

8 MS. LEWIS: -- General Counsel McGhie?

9 MR. MCGHIE: The only thing I have on
10 what I've done is litigation status update. We
11 have three matters pending in court, all of them
12 dealing with petitions for enforcement of Office
13 of Campaign Finance fines.

14 At the last board meeting, the board
15 approved an order for us to proceed to court to
16 enforce those fines. Carter versus one is a
17 filing for 1,800.

18 Carter versus two is a fine for 1,750,
19 and Worthy is a fine for \$2,000. When we went to
20 court initially, the Court decided that our
21 record was not complete, and so they dismissed
22 our matter without prejudice, and they're
23 requiring that we come back with amore complete

1 record -- underlying record from the Campaign
2 Finance. So it's our intention to file the
3 matter again tomorrow with a more complete
4 record.

5 And that would conclude my report and
6 status update.

7 MS. LEWIS: Thank you. Now turning to
8 Director Montgomery with the Campaign Finance
9 report.

10 MS. COLLIER-MONTGOMERY: Yeah. The first
11 thing that I'd like to report is that on April
12 the 27th, 2017, I appeared before the Committee
13 on the Judiciary and Public Safety of the Council
14 of the District of Columbia to present the fiscal
15 year '18 proposed budget request of the Office of
16 Campaign Finance. And also, at that time, Mr.
17 Sanford appeared with me, as well.

18 MS. LEWIS: I'm going to pause you right
19 there. Mr. Sindram, can you still hear our panel
20 on the phone.

21 MR. SINDRAM: It's very difficult. If
22 you could speak up --

23 MS. LEWIS: Okay, thank you.

1 (Discussion off the record)

2 MS. LEWIS: Mr. Sindram, could you please
3 repeat that?

4 MR. SINDRAM: Yeah. I was saying that
5 some kind of outside interference there -- I'm
6 not being able to pick up what's being stated and
7 the -- the tone -- the volume is rather low.
8 Kind of hard to keep up. If you could amplify on
9 your end, that would be helpful.

10 MS. LEWIS: I just put it to the highest
11 amount, Mr. Sindram, so it should be better now.
12 I apologize. The person left the hallway.

13 MR. SINDRAM: Thank you.

14 MS. COLLIER-MONTGOMERY: Okay. During
15 April, 2017, there were three filing deadlines
16 for reports of receipts and expenditures. The
17 first was with our constituent service program.
18 April the 1st was the deadline for the filing of
19 the report of receipts and expenditures, which
20 fell on April the 3rd, 2017, due to the
21 intervening Saturday and Sunday.

22 The total number of required filers were
23 ten. All ten timely filed, and also, they

1 electronically filed their reports. The reports
2 are available at our web site for public review.

3 In the senator representative statehood
4 fund program, the April 1st report receipts and
5 expenditures was due on April the 3rd, 2017.
6 There are three required filers, three timely
7 filed. They electronically filed, and the
8 reports are available, again, at our web site for
9 review by the public.

10 Also, consistent with the change in --
11 the recent change in the campaign finance act,
12 the independent expenditure committees as well as
13 our political action committees were required to
14 file the April 10th report of receipts and
15 expenditures.

16 The total number of required filers was
17 56, and that represents 50 political action
18 committees and 61 independent -- I'm sorry, six
19 independent expenditure committees. We had 54
20 time filers; 48 political action committees and
21 the six independent expenditure committees.

22 We had two failures to file. Those were
23 two political action committees, and those

1 committees were referred to the general counsel's
2 office for enforcement action, and all 54 of the
3 filers electronically filed the reports. The
4 reports are available, again, at the web site of
5 the Office of Campaign Finance for review by the
6 public.

7 The failure to file the April the 10th
8 report of receipts and expenditures were by the
9 following committees, again, who were referred to
10 the general counsel. The first was the Ward Two
11 Democrats. Derek Ford is the treasurer. The
12 Gertrude Stein Democratic Club Policy Act,
13 Jessica Pierce, treasurer.

14 We had new candidates and committees who
15 registered during April, 2017. The D.C. Recovery
16 Act for Living Descendants of American Slaves
17 Initiative registered on April the 4th, 2017.
18 Save our Tip System Initiative 77 which is an
19 opposing committee, registered on April the 27th,
20 2017.

21 We conducted entrance conferences during
22 the month of April. On April the 19th, 2017, the
23 participants were Brianne K. Nadeau, candidate,

1 Brianne for D.C. 2018, Justin Alexander Green,
2 Senior, candidate/treasurer for Justin Green At-
3 Large.

4 In our audit branch during the month of
5 April, the audit branch conducted 56 desk reviews
6 of political action committees, eight desk
7 reviews of constituent service fund programs, 75
8 desk reviews of trends for campaign committees
9 which includes amended and board.

10 The issue 10 request for additional
11 information to filers -- also, it resolved three
12 cases which have been referred to the Office of
13 the General Counsel. They attended two hearings,
14 and they also participated in two entrance
15 conferences.

16 With our ongoing audits in the audit
17 division, with our full field audits, we have one
18 full field audit which is ongoing of newly
19 elected official. That's Vince Gray 2016.

20 With our periodic random audits, we have
21 several which are ongoing. The first Candidates
22 in the 2016 Election Cycle - Re-Elect Vincent
23 Orange 2016 of the January 31st, 2016 and March

1 10, 2016 R&E reports; of Political Action
2 Committees of the January 31st, 2017 report.

3 And the committees for which periodic
4 random audits are being conducted are the D.C.
5 Democratic State Committee, the Ward Three
6 Democrats and the Ward 8 Matters.

7 With our Constituent Service Programs, we
8 had periodic random audits which have been
9 initiated on the April 1st, 2017 report. Those
10 are Mayo Bowser's Constituent service Fund and
11 the Citizen's Outreach Fund.

12 We also issued two audits during the
13 month of April, and those audits are available
14 for review at the -- again, the agency's web
15 site. The SEIU Local 500 Political Action
16 Committee -- their report was issued on April the
17 13th, 2017, and the D.C. Dental PAC, which was
18 issued on April the 28th, 2017. I would now ask
19 the general counsel to give the report of the
20 general counsel for the Agency.

21 MR. SANFORD: Good morning, Madam
22 Chairman and distinguished board members. My

1 name is William Sanford, general counsel for the
2 Office of Campaign and Finance.

3 During the month of April, 2017, the
4 Office of the General Counsel received three
5 referrals. As the director has indicated, the
6 referrals were at a correction for the record:
7 Ward Seven Democrats for whom Derek Ford is the
8 treasurer, Gertrude Stein Political Action
9 Committee and the Brandon Todd for Ward Four
10 Principle Campaign Committee based upon a non-
11 compliance audit.

12 During the month of April, 2017, the
13 Office of the General Counsel issued a total of
14 eight orders which included the following:

15 Three orders were issued for failure to
16 timely file reports in which no fines were
17 imposed. Four orders for failure to timely file
18 reports were issued in which a total of \$5,650 in
19 fines were imposed. And one order was issued
20 denying a motion for reconsideration.

21 During the month of April, 2017, the
22 Office of the General Counsel imposed fines
23 against the following respondents: A fine of

1 \$1,600 was imposed against the Committee to Elect
2 Natalie Williams.

3 A fine of \$1,600 was imposed against the
4 Committee to Elect Kelly Pitts. A fine of \$1,600
5 was imposed against the Carter At-Large 2014
6 campaign, and a fine of \$850 was imposed against
7 Patterson for Ward Eight.

8 During the month of April, 2017, the
9 office maintained three open investigations which
10 included OCF FY2013. It was internally
11 generated, and the respondent in this matter was
12 Lee Calhoun, and the infraction was campaign --
13 excessive campaign contributions.

14 The second open investigation, OCF
15 FY2013-014, also internally generated. The
16 respondent in this case, Stanley Strawter
17 (phonetic 00:48:08). The infraction was
18 excessive campaign contributions.

19 And the third open investigation is OCF
20 FY2013-015, also internally generated. And the
21 respondent in this matter is Jeffrey Thompson.
22 And here again, the infraction was excessive
23 campaign contributions.

1 During the month of April, 2017, there
2 were no requests for interpretative opinions.
3 And finally, during the month of April, 2017, the
4 Office of the General Counsel conducted one show
5 cause proceeding, and that show cause was in the
6 matter of Brandon Todd for Ward Four. And the
7 docket number is LCF-2017-R003. And the
8 infraction is based upon a non-compliance audit.
9 That matter was originated on the 6th of April of
10 2017. And that should conclude my report.

11 In response to an earlier statement by
12 Ms. Brizil, all of our reports are posted at the
13 OCF web site. They include all the detailed
14 information regarding the open investigations,
15 the respondents in all of our investigations --
16 regarding all of our fines.

17 And the reference to three open
18 investigations were these same three open
19 investigations that have been pending for some
20 time. But this information is available at the
21 OCF web site which is www.ocf.dc.gov. And that
22 should conclude our report.

1 MS. COLLIER-MONTGOMERY: And also, I
2 would like to add in response to Ms. Brizil's
3 comments as well, that on -- with our report,
4 which was presented on the board on July the 1st,
5 2015, in the report of the activity in the audit
6 branch, under full field audits, newly elected
7 officials, one of the full field audits, which
8 was initiated at that time which was listed was
9 the Brandon Todd for Ward Four.

10 And again, I would add that that is the
11 actual title or the name of the principal
12 campaign committee. And in parents it was
13 indicated, audit notification letter issued on
14 June 18th, 2015. And that was the date at which
15 we initiated the full field audit of the Brandon
16 Todd for Ward Four principal campaign committee.

17 From that date forward, on each monthly
18 production report which was offered to the board
19 during the board hearings, and also posted at our
20 web site, we carried that audit, because in the
21 status -- under the status of ongoing audit.

22 And with the March 1st, 2017 report --
23 I'm sorry, with the April the 5th, 2017 which I

1 presented at the board meeting on that date, I
2 indicated on the record under the -- again, the
3 activity of the audit branch, under audits
4 issued, Brandon Todd for Ward Four, audit report
5 issued March 30th, 2017.

6 At that time, I also announced to the
7 public that the audit report was available for
8 review at the OCF web site. Again, consistent
9 with what the general counsel just reported to
10 you, it was not until the report which was given
11 today that we indicated that during the month of
12 April, the general counsel initiated the show
13 cause proceeding for the Brandon Todd principal
14 campaign committee.

15 The date of that is April the 6th, and
16 that was after the last board meeting. At the
17 last board meeting, I think I also indicated that
18 the Brandon Todd audit had been referred to the
19 Office of the General Counsel with further action
20 as deemed appropriate, because it was a non-
21 compliance audit. So the initiation of the show
22 cause proceeding occurred after that date.

1 Also, lastly, I would state that
2 consistent with our regulations and our
3 procedures, the full audit reports or the audit
4 proceedings are not released to the public until
5 they are complete. And that completes my report.

6 MS. LEWIS: Thank you Ms. Montgomery. If
7 there are no additional matters, we can now take
8 public questions regarding the board reports we
9 heard today. Are there any? Ms. Brizil?

10 MS. BRIZIL: First, let me deal with the
11 easy one, the Initiative 77 petitions. I would
12 like to ask Ms. Miller whether or not in the
13 review by the staff -- whether or not they
14 noticed irregularities in the petitions.

15 And let me relate to you an incident that
16 occurred on numerous occasions, but in this
17 instance, I was in the presence of a number of
18 individuals. I attended the March 25th meeting
19 of the Ward Seven Dems and was on a panel to
20 discuss a number of issues.

21 And prior to the meeting and during the
22 meeting, there were people circulated Initiative
23 77 petitions. And after the meeting was over, I

1 went over to -- and was approached about signing
2 it. The thing that struck me was the fact that
3 petitions are supposed to be copied front to
4 back.

5 And indeed, I was just presented with the
6 signature page, page 2. So under the guise of
7 saying I want to read what the text is I'm
8 signing, he dug in his bag and found the page 1.
9 But you know that you cannot circulate petitions
10 unless you have them back to front.

11 So after this meeting, I have asked the
12 register of voters if I can review those
13 petitions. I do not know how many there are, but
14 that was not the first time I encountered
15 someone. I also encountered people who had
16 clipboards and would not let you read the text.
17 They would only let you see the page 2.

18 So it concerns me. And I wanted to know
19 whether or not -- if the board received petitions
20 that were not copied back to front but had
21 signatures on page 2, what would you do with
22 those signatures?

1 MS. MILLER: We didn't receive any like
2 that. I'm just confirming with the registrar
3 right now. All of them were front and back.

4 MS. BRIZIL: Okay.

5 MS. MILLER: Okay.

6 MS. BRIZIL: From the Ward Seven Dems
7 chairman, I will get the name of the individuals.
8 There were more than two who were there and doing
9 it. I don't know whether or not their own
10 internal procedure would have when it was -- the
11 petitions were handed it, if they would have
12 disregarded them --

13 (Simultaneous discussion)

14 MS. MILLER: They may not have turned it
15 in.

16 MS. BRIZIL: -- in terms of not adequate
17 and what have you. But again, it goes back, for
18 me, in terms of what kind of training the
19 proposers of an initiative given -- given to
20 circulators, especially if they're not from the
21 District of Columbia.

22 With regard to the Office of Campaign
23 Finance matter I raised, I appreciate Ms.

1 Collier-Montgomery's elucidation as well as Mr.
2 Sanford's. First, with regard to Ms. Collier-
3 Montgomery's statement that she first mentioned
4 at a July, 2015 board meeting that a full field
5 audit was being done of Brandon Todd, that is --
6 that is commendable.

7 However, to then assume that OCF is
8 somehow -- and this is my terminology, off the
9 hook for having done this audit and finding
10 irregularities and releasing an audit report
11 that's dated, I believe, March, 2016 and no one
12 knew about it. I find that troublesome, because
13 an entire year had -- nearly an entire year had
14 ensued, and I don't recall it ever being
15 mentioned at this board meeting.

16 My concern is this: Let me just be very
17 clear and abbreviate this. Number one: Because
18 Brandon Todd has two committees that are called
19 Brandon Todd for Ward Four, if you're talking
20 about Brandon Todd 2015 Campaign, you need to say
21 that. If you're talking about Brandon Todd 2016
22 Campaign, you need to say that.

1 Bells and whistles would have gone off if
2 at last year's board meeting, you were still
3 talking about doing an audit -- of problems doing
4 an audit for a campaign that occurred in 2015.
5 And I would only urge this board to in its
6 minutes and its report that it accepts from the
7 Office of Campaign Finance.

8 If there are committees that use same
9 name repeatedly over successive campaigns, that
10 they at least indicate what campaign they're
11 talking about; whether 2015, 2016 or 2017.

12 With regard to Mr. Sanford's indication
13 that their reports and investigations are online,
14 I would like to go over to the Office of Campaign
15 Finance with my laptop and get a tutorial about
16 where to find it. The Office of Campaign Finance
17 web site is one of the most difficult ones, even
18 when you know what you're looking for, to find
19 anything.

20 I had not known that you had been putting
21 up -- I knew you put up the final audit reports,
22 and I knew you put up the final reports of
23 investigation, but I was not aware that you were

1 doing it with regard to preliminary -- what I
2 would call preliminary matters.

3 Well, I don't need to belabor this, but
4 this -- you know, to have a campaign in 2015, to
5 have the Office of Campaign Finance issue a
6 report, an audit report in March of 2016 for it
7 to essentially be deep-sixed and no one find out
8 about it until the spring of this year, I -- I
9 hope this board appreciates how it creates
10 concern, deep concerns with regard to the
11 public's ability to people know (sic), especially
12 voters in Ward Four.

13 MS. LEWIS: Now Ms. Brizil, prior to your
14 next question that you may have regarding your
15 reports, I will allow Director Montgomery the
16 opportunity to you know, address anything that
17 you've said and may perhaps provide
18 clarification.

19 MS. COLLIER-MONTGOMERY: I would like to
20 respond --

21 MS. LEWIS: Okay.

22 MS. COLLIER-MONTGOMERY: -- to Ms.
23 Brizil's concerns. First, I would indicate that

1 the report which was issued in March of 2016 was
2 a preliminary audit report. That was not
3 released to the public. It was a draft
4 preliminary audit report which was issued to the
5 committee.

6 It was issued to the committee based on
7 the preliminary findings and recommendations of
8 the audit division. The purpose of a preliminary
9 audit report is to give the committee the
10 opportunity to respond to the initial findings --
11 draft findings of the audit division, and also,
12 to present documentation, because usually
13 documentation is requested, as well as there may
14 be supplemental amendments that are requested.

15 Also, it gives the committee the
16 opportunity to refute any of the findings of the
17 audit branch. But at that particular point in
18 time when we issue a preliminary audit report, it
19 is a draft report. It is issued solely to the
20 committee. It is not made public, because it is
21 not complete.

22 With respect to your second concern, the
23 committee -- the principal campaign committee

1 which was opened by Brandon Todd in 2016 carries
2 the name Re-Elect Brandon Todd, I think --
3 believe 2016. So it does have a distinct name
4 from the Brandon Todd PCC which was open in 2015.

5 But to offer some clarification, with
6 respect to our audit reports, if there as an
7 issue as to when a particular campaign committee
8 may have been initiated, then I will make sure
9 that my audit branch in parens puts the year of
10 initiation, if that will help the public to
11 distinguish between inactive and active principal
12 campaign committees.

13 And that concludes my response.

14 (Simultaneous discussion)

15 MS. BRIZIL: Not to belabor this, but
16 just to respond, I'm looking at the minutes that
17 this board just approved for the April meeting,
18 and under of the Office of Campaign Finance
19 reports, it indicates on page 4, OCF has ongoing
20 periodic audits of the following committees:
21 Brandon Todd for Ward Four was issued March 30th,
22 2017.

1 MS. COLLIER-MONTGOMERY: That was the
2 final audit report.

3 MS. BRIZIL: Hold on a second. This is
4 my time. When I see this, I don't know if you're
5 talking about the 2015 campaign or the 2016
6 campaign. That's my issue.

7 If the committee itself does not in its
8 title what you're talking about, what year you're
9 talking about, what election you're talking
10 about, the public reports -- and this is a public
11 report, because it's the only public statement
12 that the Office of Campaign puts on the record
13 for the public to know what's going on.

14 So if you can understand the concern and
15 pain that people feel at this point, to know that
16 the Office of Campaign Finance was doing a field
17 audit of a June election that occurred in June,
18 2015 -- you began the field audit in July of
19 2015. You made a preliminary finding and you
20 issued a report on March 31st, 2016 finding
21 irregularity.

22 But as you just said, it was a
23 preliminary audit. It was preliminary, and

1 therefore, not released to the public. But it
2 was not until another year goes by and another
3 election goes by, and in March, 2017, the matter
4 is referred to the Office of General Counsel of
5 the Office of Campaign Finance. And with that,
6 then you release the audit that was done the
7 previous -- completed the previous year.

8 MS. COLLIER-MONTGOMERY: No.

9 MS. BRIZIL: That is what the concern is.
10 That is what the concern is. And as someone who
11 has regularly tried to come to these meetings so
12 I can at least make a good faith effort to know
13 what's going on, if I saw this repeatedly, even
14 when I saw the July, 2015 field audit of the Todd
15 campaign --

16 MS. COLLIER-MONTGOMERY: Ms. Brizil --

17 MS. BRIZIL: -- I would not know that
18 this audit report that you indicate last April
19 that you completed, was for the 2015 campaign. I
20 would assume, oh, it must be for the 2016
21 campaign.

22 I think we're just talking past the
23 judgment. I don't want to belabor it. Everybody

1 knows what the problem is. The question is what
2 the solution is, and I'm just raising the fact
3 that I will go over to the Office of Campaign
4 Finance and sit down with Wesley Williams for him
5 to help me navigate the OCF web site.

6 And if you say reports are there, then
7 I'll look at the reports. I will rely upon what
8 I learn at this meetings, what have you. But the
9 Office of Campaign Finance cannot sit on this
10 material and not indicate, and just then say, oh,
11 well we let the public know. No, you did not let
12 the public know. You certainly didn't let the
13 voters in Ward Four know.

14 MS. LEWIS: Well, Ms. Brizil, if I may, I
15 believe Director Montgomery did indicate that
16 moving forward, just to ensure that there aren't
17 any additional confusions regarding the
18 particular year, we will make greater effort to
19 ensure that that year is noted in parentheses.

20 And you know, I'll let Director
21 Montgomery provide the final comment regarding
22 this matter.

23 MS. BRIZIL: Yes, yes.

1 MS. COLLIER-MONTGOMERY: Yes. I would
2 like to say for the record that Ms. Brizil's
3 comments are inaccurate. What I indicated
4 earlier during my comments was that in March of
5 2016, we issued a preliminary -- a draft audit
6 report to the committee. That was not made
7 available to the public.

8 The purpose of issuing the draft audit
9 report was so that the committee could respond to
10 the preliminary audit report. The final audit
11 report includes the responses of the committee.
12 So what was issued in March of 2017 was not the
13 preliminary audit report.

14 What was issued in March of 2017 was a
15 complete audit report which included all of the
16 responses of the committee to the preliminary
17 audit report. In addition, it included the
18 findings -- the final findings of the audit
19 division based on those submissions.

20 In other words, whether those submissions
21 complied with the initial findings; whether as a
22 result of their submissions there was still
23 outstanding findings. So the final audit report

1 is a distinct document from the preliminary audit
2 report. They are not the same.

3 MS. BRIZIL: I didn't say they were.

4 MS. COLLIER-MONTGOMERY: Well, yes, you
5 did.

6 MS. LEWIS: Well, I'll just say, Ms.
7 Brizil, if this is something you perhaps want to
8 engage with the director outside of the meeting
9 or perhaps, you know, in a separate meeting --

10 MS. BRIZIL: Can you direct her to meet
11 with people? Can you direct her to meet with
12 people?

13 MS. LEWIS: I can ask --

14 MS. BRIZIL: That's the reason when
15 people come to these public meetings, because of
16 the inaccessibility of the staff. Okay? And I
17 don't want to be handed off to Wesley Williams.
18 He is the public information officer. He is, as
19 we speak, giving legal advice and opinions to
20 candidates and campaigns regarding campaign
21 finance laws. He doesn't even refer them to Mr.
22 Sanford. Okay?

1 MS. LEWIS: Well, your concerns are
2 certainly noted, and we will definitely make
3 great to have an extended discussion to ensure
4 that your concerns are addressed.

5 Are there any additional public questions
6 regarding the reports from today's meeting?

7 MR. SINDRAM: Yes.

8 MS. LEWIS: Mr. Sindram?

9 MR. SINDRAM: Thank you. For clarity's
10 sake, the Initiative 77 is for what item?

11 MS. LEWIS: When you say it's for item --

12 MS. MILLER: The title of the initiative?
13 (Simultaneous discussion)

14 MR. SINDRAM: The initiative is for what?

15 MS. MILLER: District of Columbia minimum
16 wage amendment act of 2017.

17 MR. SINDRAM: Okay. My question is, it
18 was indicated for the petition signature
19 verification, the Office of Planning were
20 involved. Why is that?

21 MS. MILLER: The of Planning is only
22 involved with respect to providing a random

1 sample of signatures for the Board of Elections
2 to review.

3 MR. SINDRAM: That seems rather odd. And
4 a short list of signatures is not, you know, the
5 actual petition. So the Initiative 77 may be,
6 you know, short circuited and not given its full
7 vetting.

8 I understand you said there was not the
9 requisite signatures in all eight wards, but
10 again, if you're only given a fraction, a picture
11 shot -- snapshot, if you will, and then again,
12 Office of Planning -- I don't know if they're
13 equipped or prepared, you know, to do such an
14 undertaking.

15 My understanding, normally it's the board
16 that has the signature on record. They can
17 verify if it's thumbs up or thumbs down. I'm
18 still at a loss at how Office of Planning, you
19 know, weighs into this.

20 MS. MILLER: If I can explain?

21 MR. SINDRAM: Sure.

22 MS. MILLER: The Office of Planning
23 simply provides the signatures that the Board of

1 Elections are required to review. That is the
2 statutory provision in the law that follows the
3 initiative and referendum process.

4 MR. SINDRAM: And as Director Miller
5 concedes, she did indeed, appear not only for the
6 oversight at the council District of Columbia,
7 but the most recent budget hearing, as well. And
8 I appreciate, Madam Chair, you indicated on a
9 bill item the chair of the board appeared, but
10 did not, and nor did any commissioner appear for
11 either the oversight or the budget.

12 I think it's imperative, you know, to
13 have minimally a commissioner there that can be
14 addressed by Judiciary Chairman Allen and
15 questions to be fielded in kind. The director is
16 good to be there, but again, if other agencies
17 are required and have that attendance, their
18 chairman, chairwoman, why not the board? Okay?

19 And then, with regard to Brandon Todd, I
20 direct the board's attention -- this was in
21 yesterday's Express, Tuesday, and it appears on
22 page 6. Campaign audit steers the election

1 reform. D.C. Council Member failed to document a
2 hundred thousand dollars in contributions.

3 And I quote: An audit that showed
4 widespread problems with the campaign of a D.C.
5 Council Member, but that was withheld from public
6 view until after he won re-election has
7 galvanized support among lawmakers for election
8 reform.

9 Reading on: It indicates that the
10 majority of Council Members say the city must
11 prevent a repeat of the way Council Member
12 Brandon Todd, Democrat Ward Four, was able to
13 successfully run for reelection last year, while
14 city auditors had privately concluded he could
15 not document more than a hundred thousand --
16 hundred thousand dollars in contributions from
17 his previous race.

18 Campaign reports from Todd's subsequent
19 2016 win were also riddled with omissions
20 according to analysis by the *Washington Post*,
21 making it hard to track many contributions to
22 their source.

1 Many Council Members say that in Todd's
2 case, the office went too far, letting the
3 candidate delay responses to important questions
4 for almost a year. And that's the point. If you
5 have in a given year, an audit that's riddled
6 with inconsistencies, why would that perpetuate
7 into the following year?

8 And moreover, this election then was
9 really thrown. It was not good. It's like the
10 attorney -- U.S. attorney Macon. You know?
11 Guilt by association. And then on that beat, the
12 election was thrown for mayor --

13 MS. LEWIS: Mr. Sindram.

14 (Simultaneous discussion)

15 MR. SINDRAM: Same difference here.

16 MS. LEWIS: Mr. Sindram.

17 MR. SINDRAM: If we had all the facts, I
18 think the Ward Four race definitely would have
19 turned out different, notwithstanding there are
20 also indications of voter fraud, specifically in
21 Ward Four.

22 So there's a lot of homework to be done
23 here. And this puts up the public trust. You

1 know? Chairman Mendelson - of the council
2 indicates -- the integrity of the council is
3 tarnished. You know? It's obliterated.

4 And this further, further obliterates the
5 public trust. And this is something that really
6 needs to be -- the bull by the horn, and again,
7 for the chair, and if in the alternative, the
8 chair cannot, then one of you commissioners to
9 sit in the oversight and the budget, just like
10 I'm appearing my phone.

11 I mean, I understand work schedules are
12 hectic. You guys got a lot going on. And thank
13 you, Ms. Terrica Jennings for the accommodation.
14 But the point being is the council can
15 accommodate by Skype, by phone. And there should
16 be no reason why one of you three you know, could
17 not -- cannot appear.

18 MS. LEWIS: Thank you for your comments
19 today, Mr. Sindram. Did you have a question
20 regarding any of the board reports that you heard
21 today?

22 MR. SINDRAM: No, that was it.

23 MS. LEWIS: Okay.

1 MR. SINDRAM: There is one other follow
2 up, if I may.

3 MS. LEWIS: Is it related to a board
4 report?

5 MR. SINDRAM: Um, yes and no. So do you
6 want me to hold up the overall public comment?

7 MS. LEWIS: So --

8 MR. SINDRAM: It has to do with general
9 counsel McGhie. I brought to his attention --
10 and this ties in --

11 (Simultaneous discussion)

12 MS. LEWIS: So Mr. Sindram, just to let
13 you know, because I'm sure you probably don't
14 have a copy of the agenda with you, but we did
15 have the public matters section earlier, and
16 that's when you were speaking earlier before.

17 So perhaps you could just give us kind of
18 the high level topic --

19 MR. SINDRAM: Sure.

20 MS. LEWIS: -- of what the concern that
21 you'd like to raise is. And perhaps this may be
22 something that we can either address after this
23 meeting or between the next meeting or at the

1 next meeting, just to give General Counsel McGhie
2 an opportunity to respond and prepare.

3 MR. SINDRAM: Yes, ma'am. My
4 understanding was public comments. You asked for
5 identification of public matters. But in any
6 event, the concern and the report of General
7 Counsel McGhie failed to indicate a complaint
8 that has been made regarding Brandon Todd.

9 There was an ANC, Advisory Neighborhood
10 Commission 4b meeting that convened at the fourth
11 district community room. And during that
12 meeting, there was a special member district SMB
13 election for which Brandon Todd's campaigners
14 brought in yard signs. And they were left
15 unattended, essentially campaigning while the
16 election was going on.

17 No action has been taken. Mr. McGhie has
18 been alerted more than once. He indicates he
19 wanted feedback from Gottlieb's side and Kathy
20 Williams. Well, that's true. They are
21 witnesses.

22 But everybody in attendance in that
23 meeting to include but not limited to myself can

1 attest to the fact that the election law was
2 violated with impunity. And if need be, I'd be
3 delighted to get Mr. McGhie's take on it.

4 I haven't heard a word from Mr. McGhie on
5 that front panel, so that is definitely
6 something, along with one other concern that was
7 brought up about the campaign item, Brandon Todd,
8 to be addressed.

9 MS. LEWIS: Thank you so much, Mr.
10 Sindram. It's my understanding that Mr. McGhie
11 will look into this matter. And you know,
12 perhaps if you'd like to send us an email or a
13 letter just to ensure that we have your concerns
14 properly documented, we'd welcome you to do so.

15 MR. SINDRAM: Thank you.

16 MS. LEWIS: Okay, thank you. Now, being
17 it appears we have no additional public questions
18 regarding our report, I'd like to adjourn this
19 meeting. Do I have a second?

20 MR. GILL: I motion to adjourn.

21 MS. LEWIS: Thank you. Second. Everyone
22 have a great day. Thanks for your time. Thank
23 you, Mr. Sindram.

1 MR. SINDRAM: Thank you, Madam Chair.
2 Have a good day.

3 MS. LEWIS: You too. Bye bye.

4 MR. SINDRAM: Bye now.

5 [Whereupon, at 12:07 p.m., the Regular
6 Board Meeting was adjourned.]

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22