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District of Columbia  
Board of Elections  
Office of the General Counsel

Board Meeting

Office of the General Counsel  
441 Fourth St., NW  
Suite 280 N  
Washington, D.C. 20001

June 7, 2017

10:30 a.m. - 12:07 p.m.

OLENDER REPORTING, INC.  
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1                                   A P P E A R A N C E S

2   MICHAEL BENNETT, Chair, Board of Elections

3   DIONNA LEWIS, Board of Elections

4   MICHAEL D. GILL, Board of Elections

5   ALICE P. MILLER, Executive Director, Board of

6   Elections

7   CECILY MONTGOMERY, Director, Office of Campaign

8    Finance, Board of Elections

9   KEN MCGHIE, General Counsel, Board of Elections

10  WILLIAM SANFORD, Office of Campaign Finance,

11   Board of Elections

12  MICHAEL SINDRAM

13  DOROTHY BRIZILL

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

2 MR. MICHAEL BENNETT: Good morning. My  
3 apologies for us being tardy, yet again. We were  
4 getting dinner last time, and I think you were on  
5 time last time when I wasn't here.

6 Let's call the meeting to order. It is  
7 10:49 and 46 seconds.

8 First, let me take the time to thank both  
9 Ms. Lewis and Mr. Gill for expertly conducting  
10 the meeting in my absence in May. Thank you very  
11 much. Maybe I'll take time off again.

12 [Laughter.]

13 MR. MICHAEL BENNETT: This happened so  
14 well.

15 Let me start off by adopting the agenda  
16 for today. Can I get a motion to adopt the  
17 agenda?

18 MS. DIONNA LEWIS: I'd like to move to  
19 adopt the agenda from the May 3, 2017 board  
20 meeting.

21 MR. MICHAEL GILL: Second

22 MS. DIONNA LEWIS: Oh, I'm sorry -- from

1 today, June 7, 2017 board meeting.

2 MR. MICHAEL BENNETT: Mr. Gill.

3 MR. MICHAEL GILL: I second that.

4 MR. MICHAEL BENNETT: Okay. All in  
5 favor?

6 [Chorus of ayes.]

7 MR. MICHAEL BENNETT: So, that's  
8 unanimous. Adoption of the minutes from our --  
9 the last meeting of May 3rd meeting.

10 MS. DIONNA LEWIS: What I was trying to  
11 do the first time, apparently. I would like to  
12 move to adopt the May 3, 2017 board meeting  
13 minutes.

14 MR. MICHAEL GILL: Second.

15 MR. MICHAEL BENNETT: All right. All in  
16 favor?

17 [Chorus of ayes.]

18 MR. MICHAEL BENNETT: All right. So  
19 that's unanimous.

20 Board matters. I have one, and that is  
21 the July meeting as based on the calendar would  
22 occur on July 5th, which is the day after the

1 July 4th holiday, which will be not likely a  
2 great time for the public or the board. And, so  
3 we are going to move that meeting, likely move it  
4 up, to try to minimize the amount of time between  
5 meetings, but likely move it up to either June  
6 29th or June 30th, recognizing that giving us two  
7 meetings in June, but it also keeps us from  
8 either not having a July meeting or having July  
9 and August meeting very close together. So, we  
10 will be putting that out on the website once the  
11 final date is established.

12           What I have not done -- and I apologize  
13 for that -- is introduce the members of the board  
14 and also the other persons that are here at the  
15 table. So, for the record, I would like to start  
16 off with Ms. Alice Miller, who is the Director of  
17 the Board of Elections, Executive Director, to my  
18 far left, Dionna Lewis, to my immediate left,  
19 board member, Mr. Ken McGhee, to my immediate  
20 right, General Counsel of Elections, to his  
21 right, Mr. Michael Gill, board member, and Ms.  
22 Cecily Montgomery, who is Director of the Office

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1 of Campaign Finance. That is for the record.

2 Thank you. Sorry about that.

3 That's the only board matter I have. Mr.

4 Gill, do you have a board matter?

5 MR. MICHAEL GILL: No.

6 MR. MICHAEL BENNETT: Ms. Lewis?

7 MS. DIONNA LEWIS: No.

8 MR. MICHAEL BENNETT: Okay. Well, Item 4  
9 is public matters. What I plan to do today -- if  
10 you don't mind -- is I will skip Item 4 and allow  
11 for public matters in addition to questions of  
12 the reports under Item 8, public questions  
13 regarding reports. The reason being is that  
14 there has been a lot of information reported in  
15 the Washington Post regarding a number of Office  
16 of Campaign Finance and Board of Elections  
17 matters that will probably be covered in the  
18 reports that we receive, and instead of asking --  
19 having the public ask questions about that and  
20 then coming back and answering those questions in  
21 the reports, I'll just move the public matters to  
22 Item 8, and whether or not there are public

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1 questions regarding the reports or not, please  
2 ask them under Item 8. So, we'll just move that.

3 Item 5. The Executive Director of  
4 Reports, Ms. Miller.

5 MS. ALICE MILLER: Thank you, Mr. Chair.  
6 Good morning, everyone. The first item on my  
7 agenda is as you know, the Counsel took action at  
8 its May 16, 2017 legislative meeting of the whole  
9 and voted to pass an act permanently moving the  
10 date of the primary election to the third Tuesday  
11 in June. The new primary election date allows  
12 the board to comply with the Federal and Military  
13 Voters Overseas Empowerment Act -- the MOVE Act -  
14 - which requires the ballots to be mailed to  
15 Military and Overseas Voters at least 45 days  
16 prior to a Federal election.

17 The calendar for the primary election is  
18 on the website. A few of the highlights:

19 The election date will be June 19th.

20 Nominating petitions become available on  
21 January 26, 2018.

22 The last date to file the nominating

1 petitions will be March 21st.

2 Challenge period for the June 19th  
3 election will be March 24th through April 2nd.

4 And, the early voting period will be  
5 begin at One Judiciary Square on June 4th.

6 Early voting at other locations will  
7 begin on June 8th and will end on June 15th.

8 Those are clearly the highlights. The  
9 details of the calendar are posted on the  
10 website, so you can go to the website and look at  
11 the other specific details associated with our  
12 now June 19th election.

13 The November 18th -- the November 2018  
14 election remains the same, obviously.

15 We have also been made aware of the  
16 request that we had put in for funding to upgrade  
17 our voter registration system. The Mayor has  
18 signed off on it, and the Counsel has approved  
19 capital funding for that project. The money is  
20 in the process of being reprogrammed and the  
21 attributes made available to the board's funding  
22 codes. We have not yet gotten the money. It has

1 not yet been confirmed in our budget. But, once  
2 that has been completed, we will be working with  
3 the Office of Contract and Procurement and the  
4 Chief Technology Officers -- Office. Since this  
5 is the technology procurement, we'll have to work  
6 with both and get a sign-off on a statement of  
7 work in order for OCP -- the Office of Contract  
8 and Procurement -- to begin the process of  
9 procuring the vendor.

10 We have no clue how long it will take for  
11 an appropriate vendor to be identified. But,  
12 we're hopeful that a new system will be  
13 implemented and hopefully running before the end  
14 of the 2018 calendar year, and hopefully in time  
15 for the November election, as the latest. We  
16 know it's going to be a long and tedious process,  
17 but we intend for this to be a thorough process.

18 As I've indicated previously, the timing  
19 for this is critical. Quite frankly, the  
20 likelihood of this being -- being implemented  
21 prior to the beginning of the election cycle next  
22 year is questionable. We have to take the time

1 to do it and do it right, and that's what we  
2 intend to do. We'll be able to work this in a  
3 parallel manner through the beginning of the  
4 election cycle next year until we get this done  
5 through the end of the year, which it may take  
6 that long to have it done. But, we are actually  
7 grateful and thankful that we were able to get  
8 this new process begun and will have it for years  
9 to come.

10 MR. MICHAEL BENNETT: One of the things -  
11 - if I could jump in -- it would be great also if  
12 the public had a way of identifying parts of the  
13 process that may have been particularly  
14 challenging for them that we may not have thought  
15 of that we could consider in the -- in the --  
16 with the new system.

17 So, if, for instance, somebody had a  
18 particular problem that there was some unique  
19 matter that the records didn't match -- you know  
20 -- some way or another because somebody -- I  
21 don't know -- had a name change or something -- I  
22 don't know. But, it would be -- it would be

1 great to see if the public had any -- any other  
2 thoughts or concerns that we hadn't thought of  
3 relative to the items in the new system to cover  
4 that. So I'm not quite sure how to ask for that  
5 input.

6 [Laughter.]

7 MR. MICHAEL BENNETT: But, if we have a  
8 way of allowing people to give us some feedback  
9 on the website, that'd be great.

10 MS. ALICE MILLER: Okay. I'll have that  
11 discussion with IT.

12 MR. MICHAEL BENNETT: Okay.

13 MS. ALICE MILLER: We have a few changes  
14 to our social media accounts. Our online account  
15 is now [www.dcboe.org](http://www.dcboe.org). The update finally  
16 addresses the board's official removal of ethics  
17 from the web name. That occurred when the Board  
18 of Government Ethics and Accountability was  
19 established a few years ago. So we've gotten --  
20 we've dropped the double E, and it's DCBOE, not  
21 EE.

22 MR. MICHAEL BENNETT: Right.

1 MS. ALICE MILLER: The -- anybody  
2 emailing DCBOEE -- it will automatically go to  
3 DCBOE through the end of the year. They should  
4 also get a notice that says our website has  
5 changed, so the individuals would be aware of  
6 that -- that's it's now DCBOE. But, the notice  
7 will automatically come to us, and that will  
8 happen through the end of 2017.

9 The Twitter address has also changed. It  
10 is now @votefordc and facebook.com/votefordc.  
11 And, the subscription services remain at  
12 [www.dcboe.org/services/subscription/index](http://www.dcboe.org/services/subscription/index).

13 And that ends my report.

14 MR. MICHAEL BENNETT: Great. Thank you.

15 Mr. Gill -- any questions?

16 MR. MICHAEL GILL: None for me.

17 MR. MICHAEL BENNETT: Ms. Lewis?

18 MS. DIONNA LEWIS: Nope.

19 MR. MICHAEL BENNETT: Okay.

20 Item 6. Mr. McGhie.

21 MR. KENNETH MCGHIE: The only thing I  
22 have is a litigation status update. We have

1 three matters that are pending in court right  
2 now.

3           The first one is One Fair Wage DC versus  
4 D.C. Board of Elections and Ethics. The board,  
5 at its last board meeting, rejected the  
6 petition's signatures submitted by the One Fair  
7 Wage DC as being numerically insufficient. The  
8 proponents of that initiative filed an appeal in  
9 D.C. Superior Court on May 15th. The board has  
10 60 days to answer the complaint. In the interim,  
11 we've been working along with their attorneys to  
12 go through the deficiencies that we rejected, and  
13 we've been coming up with a number of  
14 deficiencies that should probably go back into  
15 the pool. So, it is my expectation that they may  
16 get enough signatures back into the pool so that  
17 they will no longer be numerically insufficient.  
18 If that happens, then we will just file a  
19 stipulation in court to have it voluntarily  
20 dismissed.

21           The other two matters --

22           MR. MICHAEL BENNETT: Well, we'll push

1 that along to make sure that if, indeed, that is  
2 the case, that they have time to -- to either  
3 resubmit or if it goes the other way or they have  
4 time to refile or to get on for the next election  
5 cycle.

6 MR. KENNETH MCGHIE: Yeah. They will  
7 have more than enough time for us to continue the  
8 process -- I guess -- then verifying the  
9 signatures.

10 MR. MICHAEL BENNETT: Okay.

11 MR. KENNETH MCGHIE: All right. The  
12 other two matters are a petition for enforcement  
13 of OCF fines, which the court had originally  
14 dismissed stating that our record was not  
15 complete in both those matters. So, both those  
16 matters are pending in court. We're just waiting  
17 for a new scheduling date so we can submit an  
18 updated record to the court.

19 MR. MICHAEL BENNETT: Great.

20 MR. KENNETH MCGHIE: And that will  
21 conclude my litigation status update.

22 MR. MICHAEL BENNETT: Great. Ms. Lewis,

1 any questions?

2 MS. DIONNA LEWIS: Nope.

3 MR. MICHAEL BENNETT: Mr. Gill?

4 MR. MICHAEL GILL: Nope.

5 MR. MICHAEL BENNETT: All right. None for  
6 me.

7 Item 7. Ms. Montgomery.

8 MS. COLLIER-MONTGOMERY: Yes. Good  
9 morning. The first thing I would like to report  
10 is during the month of May 2017, there were no  
11 filing deadlines in the Office of Campaign  
12 Finance. We did have new candidates and  
13 committees to register.

14 Mary Che, Cheh 2018, City Council Ward 3,  
15 Registered on May 8, 2017. The People of DC and  
16 Small Business PAC, Registered on May 8, 2017.  
17 We held entrance conferences on May 19, 2017.  
18 The participants were Mary Cheh, Candidate, Cheh  
19 2018, Matthew Frumin, Treasurer, Cheh 2018,  
20 Clinton LaSueur, Treasurer of The People of DC,  
21 and Small Business.

22 In the audit branch of the Office of

1 Campaign Finance during the month of May, the  
2 audit branch conducted 8 desk reviews. We have  
3 ongoing audits. The first is a full field audit  
4 of a newly elected official, Vince Gray, 2016,  
5 the 2016 election cycle. We have periodic random  
6 audits, which are ongoing, from the Constituent  
7 Service Program, the filing of April 1, 2017, and  
8 that would be of the Citizens Outreach Fund.

9 We also issued 5 final audit reports  
10 during the month of month. The Re-Elect Vincent  
11 Orange 2016, the 2016 election cycle issued on  
12 May 18, 2017, D.C. Democratic State Committee,  
13 issued on May 1, 2017, Ward Three Democrats  
14 issued May 1, 2017, Ward 8 Matters, issued May  
15 19, 2017, and Mayor Bowser's Constituent Service  
16 Fund, issued on May 18, 2017. The audit reports  
17 are available for public review at our website,  
18 and I would ask Mr. Sanford to provide the report  
19 of the Office of the General Counsel.

20 MR. MICHAEL BENNETT: Great. Thank you.  
21 Mr. Sanford.

22 MR. WILLIAM SANFORD: Good morning, Mr.

1 Chair and distinguished board members. My name  
2 is William Sanford, General Counsel for the  
3 Office of Campaign Finance.

4 During the month of May 2017, the Office  
5 of the General Counsel conducted 22 informal  
6 hearings and issued 23 orders which included the  
7 following.

8 Eighteen orders for failure to timely  
9 file reports were issued in which no fines were  
10 imposed.

11 Four orders for failure to timely file  
12 reports were issued in which a total of \$6,100 in  
13 fines were imposed.

14 One order based upon a noncompliance  
15 order in which a fine of \$5,100 was imposed was  
16 also issued during the month of May 2017.

17 The Office of the General Counsel imposed  
18 fines against the following respondents and the  
19 fines totalled \$11,200.

20 \$1,450 in fines were imposed against  
21 Holmes for Ward 8.

22 A fine of \$1,750 was imposed against

1 Toliver for Ward 4.

2 A fine of \$1,450 was imposed against  
3 Gertrude Stein PAC.

4 A fine of \$1,450 was imposed against  
5 Zuckerberg for Attorney General.

6 A fine of \$5,100 was imposed against  
7 Brandon Todd for Ward 4 principle campaign  
8 committee.

9 During the month of May 2017, the Office  
10 of Campaign Finance collected \$200 in fines and a  
11 \$200 payment of fine submitted by the Re-Elect  
12 LaRuby May campaign.

13 During the month of May 2017, the Office  
14 of the General Counsel maintained 4 open  
15 investigations, and they include the following.

16 OCF full investigation 2013-013 into Lee  
17 Calhoun. That was internally generated, and that  
18 investigation entails campaign contribution  
19 violations.

20 OCF full investigation 2013-014. The  
21 Respondent was Stanley Strawter. That  
22 investigation entails campaign contributions

1 violations.

2 OCF full investigation 2013-015,  
3 internally generated. The Respondent in this  
4 matter was Jeffrey Thompson. That investigation  
5 entailed campaign contributions.

6 Finally, OCF full investigation 2017-101.  
7 The Complainant in this matter was Aquene  
8 Freechild. It was filed on March 7, 2017. The  
9 Respondent was Muriel Bowser for Mayor, Principal  
10 Campaign Committee, and the infraction was  
11 alleged excessive contributions. It is listed as  
12 pending during the month of May; however, the  
13 order in that matter was issued on yesterday's  
14 date, June 6, 2017.

15 During the month of May 2017, the Office  
16 of the General Counsel completed 1 show-cause  
17 proceeding, and that was in the matter of Brandon  
18 Todd for Ward 4, which was referred to the Office  
19 of the General Counsel pursuant to a non-  
20 compliance audit. The fine that was imposed  
21 against the Todd Committee was \$5,100, and it was  
22 issued on May 30th, and the committee was until

1 the 14th of June to appeal that decision to the  
2 board.

3 Finally, during the month of May 2017,  
4 there were no requests for interpretive opinions.

5 That should conclude my report.

6 MR. MICHAEL BENNETT: Great. Thank you,  
7 Mr. Sanford.

8 Ms. Montgomery.

9 MS. COLLIER-MONTGOMERY: Yeah. That  
10 concludes the report of the Office of Campaign  
11 Finance.

12 MR. MICHAEL BENNETT: Okay. Great.

13 Now, we're at Item 8 for public questions  
14 regarding reports. We'll have public questions  
15 regarding reports and also public matters as  
16 well. What I'd like to do -- I think we have one  
17 person at minimum on the line. Is that correct?  
18 And, so if there is -- Mr. Sindram -- is it?

19 Mr. Sindram, if you can hear me.

20 MR. MICHAEL SINDRAM: Good morning, Mr.  
21 Chairman.

22 MR. MICHAEL BENNETT: Good morning. If

1 you have any -- any matters for the -- any  
2 questions or matters you would like to bring up,  
3 now is the time. You have the floor if you'd  
4 like.

5 MR. MICHAEL SINDRAM: Thank you. As I  
6 give your report, you indicate the July meeting -  
7 - because it's so near to the Fourth of July --  
8 will be rescheduled to the end of June. I wanted  
9 to alert you and the board that Friday, June  
10 30th, I'm doing court. I'll be unavailable. So  
11 I would request that that Thursday -- and that  
12 would seem to be a more ideal day -- because the  
13 day -- the Friday preceding that long weekend, I  
14 think a lot of folks will be unavailable. So if  
15 we can do it on the 29th of June -- I would be  
16 ready, willing, and able to participate.

17 MR. MICHAEL BENNETT: Thank you for that.  
18 Mr. Sindram --

19 MR. MICHAEL SINDRAM: Ms. Montgomery --

20 MR. MICHAEL BENNETT: Mr. -- Mr. Sindram,  
21 I'm sorry. Can you -- for the record -- state  
22 your -- your name and legal address, please, sir.

1 MR. MICHAEL SINDRAM: Absolutely.  
2 Michael Sindram, Disabled Veteran served our  
3 country more than most. And, you wanted my  
4 address, sir?

5 MR. MICHAEL BENNETT: Yes, sir.

6 MR. MICHAEL SINDRAM: 6645 -- 6645  
7 Georgia Avenue, NW, Apartment 1 -- Apartment 306,  
8 Washington, D.C. Zip code is 20012.

9 MR. MICHAEL BENNETT: Did you get that,  
10 sir?

11 MR. MICHAEL SINDRAM: Great.

12 MR. MICHAEL BENNETT: Thank you.

13 MR. MICHAEL SINDRAM: Again, the -- the  
14 concern is that on June 30th, I will be  
15 unavailable. June 29th, I will be -- that  
16 Thursday, so that would be a goal for me.

17 MR. MICHAEL BENNETT: Yeah. That's a  
18 good point. Thank you. We'll certainly take  
19 that under advisement.

20 MR. MICHAEL SINDRAM: Great.

21 MR. MICHAEL BENNETT: Good point.

22 MR. MICHAEL SINDRAM: The -- Ms.

1 Montgomery made mention of the audit reports,  
2 which are online. I happen to be \_\_\_\_\_  
3 [33:09:3] challenged, and I respectfully request  
4 an ADA -- American Disabilities Act 1990  
5 reasonable accommodation to have hard copies sent  
6 to me of those audit reports, and as you have my  
7 address, Mr. Chair, once again 6645 Georgia  
8 Avenue, NW, Apartment 306, D.C. 20012.

9 There has been --

10 MR. MICHAEL BENNETT: Now let -- Mr.  
11 Sindram -- let me just respond. Mr. Sindram, let  
12 me respond that we will -- we will comply with  
13 that. Thank you.

14 MR. MICHAEL SINDRAM: Thank you. There  
15 has been a flurry of conversation and discussion  
16 regarding Campaign Finance. More recent -- most  
17 recently, Brandon Todd, where a hundred thousand  
18 dollars was tried -- attempted to be buried and  
19 uncovered, and, of course, -- you know -- it's  
20 common knowledge the nexus between Ward 4  
21 Councilman Todd and the Mayor.

22 It's been suggested that the campaign

1 finance come under the watch of -- it is in the  
2 ordinary course -- but in the more closer  
3 scrutinized manner, the Board of Government  
4 Ethics Accountability, otherwise known as BEGA.  
5 I think that's a good idea.

6 Campaign Finance repeatedly has failed to  
7 step up to the plate, and, most recently, with  
8 the Todd debacle, that's precisely what caused  
9 Leon Andrews to lose the election. When  
10 everything was covered up on the excess amounts -  
11 - all right. If it comes to the forefront of  
12 voters at the time, Todd would not be there, and  
13 he has no business being there -- he has no  
14 experience. But, the point is that the election  
15 was thrown, not unlike with Macon, the U.S.  
16 Attorney that tried to take down Mayor Gray.  
17 Innocent until proven guilty.

18 But, the point, again, is that the  
19 information that Campaign Finance had on to-be-  
20 Councilman at the time, Todd, they did not reveal  
21 and divulge it -- as I understand it -- a year or  
22 way after -- certainly not prior to the election

1 -- what Campaign Finance was privy to it. And,  
2 we know full well, from familiarity breeds  
3 contempt, and so, again, I would like the board  
4 to -- to take under close scrutiny and  
5 advisement, having BEGA oversee Campaign Finance.

6 I have written to Ms. Montgomery on July  
7 the 9th of last year -- haven't heard a word.  
8 And, today, Mr. Chair, is June the 8th of the  
9 following year. I would like to get a written  
10 response. And -- you know -- it just --  
11 reprehensible. I mean -- just indefensible where  
12 I cannot get a written reply, and I submitted  
13 repeatedly to Mr. Sanford and Ms. Montgomery my  
14 request -- again, my handwritten letter of July  
15 9, 2016. There are five items that remain  
16 pending and unacted upon.

17 Now, Mr. Sanford may say, well, we  
18 previously responded. How could that be when my  
19 letter is subsequent to anything that Mr. Sanford  
20 or Ms. Montgomery said or may have said.

21 So, once again, I would like to have  
22 albeit an untimely reply response to my July 9,

1 2016 waiting communique. If need be, Mr. Chair,  
2 I'll get you another copy.

3 Last, but not least -- you know -- we've  
4 wrangled with Mr. McGamut - McGann and Mr. McGhie  
5 about the full complement hearing regarding  
6 Digital Dynamo. The smoking gun is the -- is the  
7 prior Chair, and his name escapes me at the  
8 moment -- the former Secretary of the Army. Do  
9 you know who I'm speaking of, Mr. Chair?

10 MR. MICHAEL BENNETT: Yes. Uh-huh.

11 MR. MICHAEL SINDRAM: If you could  
12 refresh my memory -- his name?

13 MR. MICHAEL BENNETT: His name is Togo  
14 West.

15 MR. MICHAEL SINDRAM: Togo West. Thank  
16 you, sir. Yeah, the former Chair Togo West.

17 While it is true that I was shot down to  
18 have a -- it went before Mr. Lowry initially, and  
19 then -- I then made a request. There was only  
20 two members, Mr. Lowry and Togo West, to which  
21 Mr. West -- former Chair West indicated, well, my  
22 request was untimely, to which at that point --

1 right at the meeting on the record, I said I  
2 would like to appeal and make a timely request  
3 now -- to which the Chair then said, "Okay.  
4 Granted. And then we will schedule a full  
5 complement hearing with Mr. Lowry and I, advanced  
6 on the calendar to the earliest practical date."

7 The problem is -- was that Harry Thomas  
8 was going on at the time. And then, Chair West  
9 said there's something criminal going on, and  
10 then he immediately resigned. But, it doesn't  
11 change the fact that the law of this case and the  
12 ruling of -- of Chair West was that I was to have  
13 a full complement hearing.

14 Now, Mr. McGhie and Mr. McGann -- you  
15 know -- have a different take on it, and they  
16 seem to have conveniently lost that document that  
17 Mr. -- that former Chair West indicates that I'm  
18 to have a hearing.

19 So I would like the records looked at  
20 more closely for that document to surface, which  
21 is buried -- no doubt -- in the circular of Mr.  
22 McGhie or Mr. McGann and for that full complement

1 hearing to proceed.

2           We spent a lot of time on this, and there  
3 are a lot of things that are fraudulent that  
4 happened with that one-member hearing, and that's  
5 why I requested a -- a full complement. So I  
6 would like that to be done in accordance, which  
7 the law dictates and requires. If there are any  
8 questions, I would be delighted to field them at  
9 this time.

10           MR. MICHAEL BENNETT: No questions from  
11 us, Mr. Sindram. Okay. Great.

12           MR. MICHAEL SINDRAM: And I did want to  
13 say also, with the ADA Coordinator there, Ms.  
14 Terrica Jennings. Doing an outstanding job, and  
15 I appreciate her staying on top of things. Just  
16 in her absence -- you know -- if we could have  
17 someone else -- hopefully she'll be there  
18 continually. But, in her stead, should she not  
19 be there, if we could have someone else pick up  
20 the reins so that I'm not forgotten about.

21           MR. MICHAEL BENNETT: We'll make sure  
22 that that happens, Mr. Sindram. She is here and

1 has clearly done a great job.

2 MR. MICHAEL SINDRAM: Above and beyond  
3 the call of duty. In fact, she -- she deserves a  
4 raise. Good help is hard to find.

5 [Laughter.]

6 MR. MICHAEL BENNETT: Thank you, Mr.  
7 Sindram.

8 MR. MICHAEL SINDRAM: Yes, sir. Thank  
9 you.

10 MR. MICHAEL BENNETT: Alrighty. Any  
11 other public matters? Ms. Brizill?

12 MS. DOROTHY BRIZILL: Good morning.

13 MR. MICHAEL BENNETT: Good morning.

14 MS. DOROTHY BRIZILL: My name is Ms.  
15 Dorothy Brizill. My address on my driver's  
16 license and the address at which I vote at is  
17 1327 Gerard Street, NW, Washington, D.C.

18 I would like to ring two separate matters  
19 to the board. First and foremost, I would like  
20 to get some clarification about the relocation of  
21 the BOE and the OCF Offices. It is my  
22 understanding that some staff members have been

1 informed that there will be a relocation of those  
2 offices in the fall. I would like to know if  
3 that's true. I would like to know the date. I  
4 would know -- I would like to know -- have some  
5 indication of the factors that were taken into  
6 account as regard to the location. I mentioned  
7 this at the last board meeting in terms of the  
8 initial address I was given, which is in close  
9 proximity to the baseball stadium and soon to be  
10 the new soccer stadium. And, in addition to the  
11 traffic problem that occurs on game days, there  
12 is also no parking without a permit allowed down  
13 there.

14 So, with that said, I would like to know  
15 whether or not a decision has been made. If so,  
16 I would like to know the location of it. I would  
17 like to know who was consulted and the factors  
18 taken into account. And, I would like to know  
19 the date of the relocation.

20 MR. MICHAEL BENNETT: Ms. Miller, would  
21 you like to respond or would you like for me to  
22 respond?

1 MS. ALICE MILLER: [No audible response.]

2 MR. MICHAEL BENNETT: There is a move  
3 that's being considered. All of the final plans  
4 and the final positions have not been confirmed  
5 as of yet. And so, that's about it as far as I'm  
6 able to share at this point. Ms. Miller, is  
7 there any more that you --

8 MS. ALICE MILLER: As far as I know,  
9 nothing has been signed -- nothing has been done  
10 permanently. This is something that is being  
11 done by DGS.

12 MS. DOROTHY BRIZILL: But, it's being  
13 done -- excuse me. But, it's being done at the  
14 urging of the board and OCF in terms of wanting  
15 to relocate. Correct? It's not something that  
16 they woke up one morning and said, I think we'll  
17 move Board of Elections.

18 MS. ALICE MILLER: Well, it's my  
19 understanding that this has been going on for  
20 over five years in terms of a move. It's not  
21 just something that has occurred over the last  
22 year or so.

1 MS. DOROTHY BRIZILL: Let me make clear -  
2 - let me make clear my position and concern.

3 MS. ALICE MILLER: Sure.

4 MS. DOROTHY BRIZILL: Just like when the  
5 board moves a polling site, I think certain  
6 factors need to be taken into account in terms of  
7 relocating a polling site. It is my  
8 understanding that the specific address has been  
9 identified. I'm simply asking, what is that  
10 address, and what factors were taken into account  
11 in terms of relocating the offices.

12 MR. MICHAEL GILL: So, if I may -- I mean  
13 -- so -- I'm not sure if there's an exact address  
14 -- but the factors -- I mean -- we can probably  
15 get that to you in some sort of written response.  
16 I don't know that off the top of our head we're  
17 going to get everything right in terms of  
18 something on the record now.

19 MS. DOROTHY BRIZILL: So, you're saying  
20 that the E-mail that has been sent to certain  
21 staff members -- both at OCF and BOE -- with an  
22 address is not correct? That no address has been

1 selected?

2 MS. ALICE MILLER: There hasn't been an  
3 E-mail sent that I'm aware of to staff members.  
4 If there was an E-mail sent -- it wasn't sent by  
5 me.

6 MR. MICHAEL BENNETT: There is no  
7 intention to try and hide anything, Ms. Brizill.  
8 What we would like to do is to give you accurate  
9 information, and let me -- I guess -- kind of  
10 start at the --maybe your initial question.

11 First of all, in any environment where  
12 you have an operation going on, you want to make  
13 sure that you have the very best facility in  
14 order to conduct that operation. The facility  
15 here, number one, has gotten pretty overcrowded  
16 and really in a number of ways and doesn't meet  
17 the need of the organization.

18 MS. DOROTHY BRIZILL: Mr. Bennett, I  
19 appreciate your trying to enlighten me, but I  
20 assure you I am fully aware of the limitations  
21 over here and over at the Reeves Building. That  
22 is not my concern. And I know that there has

1 been ongoing debate for more than five years to  
2 relocate the offices. My concern is if you in  
3 fact decide to relocate the offices, just like  
4 when Alice reported on a new computer system for  
5 the office, and you chimed in and said, we need  
6 to have a way to have the public engaged.

7 I daresay that relocating the office to  
8 some facility that may not be accessible, either  
9 for the poll workers, for the staff that work  
10 here, or people who have to visit the Office of  
11 Campaign Finance or Board of Elections is far  
12 more critical than the parameters of designing a  
13 new computer system. And, just as you chimed in  
14 --

15 MR. MICHAEL BENNETT: We can debate that  
16 point, but -- but continue please.

17 MS. DOROTHY BRIZILL: Based on what Mr.  
18 Gill has said, what can I anticipate receiving on  
19 this? Did you develop some prospectus -- some --  
20 some guidance to give DGS in terms of locating  
21 office space for this agency?

22 MR. MICHAEL BENNETT: Part of the

1 challenge I think that we are having with your  
2 questions is that some of this is not -- much of  
3 this is not in our control. I mean -- this is  
4 driven by DGS. It's driven by other parts of the  
5 District government. And so, what I would invite  
6 you to do is that if you do have some concerns --  
7 just as I invited the public to do with regard to  
8 our new voter registration system -- if you have  
9 some -- come concerns, some thoughts, some things  
10 that we need to consider, I think you should  
11 submit those, and we will provide those to DGS as  
12 well. But, much of this is not in our control.

13 MS. DOROTHY BRIZILL: Mr. Bennett, I must  
14 say I have to differ with substantially most of  
15 what you just said. I know that DGS does not go  
16 out in a witch hunt to find office space to  
17 relocate two agencies. I know that they ask for  
18 certain basic information such as square footage,  
19 number of employees, and other things. And then  
20 there are other discretionary things. So there  
21 is a basic exchange of information between DGS  
22 and OCF and BOE, as regard to relocating the

1 office. And, my understanding is -- my  
2 understanding -- as I've said before -- is that  
3 pretty close or a final decision has been made.

4 Now, if you say a final decision hasn't  
5 been made or to use Alice's words, "A lease  
6 document has not been signed." But -- you know -  
7 - the lease document is like going to closing.  
8 It is a very, very end of the process.

9 What can I do -- and what do you want me  
10 to do in terms of getting complete and accurate  
11 information on this matter? Just tell me what  
12 you want me to do.

13 MR. MICHAEL BENNETT: Well, probably the  
14 best thing to do to get complete and accurate  
15 information since they are the ones that control  
16 it is to -- is to ask your questions to the  
17 Department of General Services.

18 MS. DOROTHY BRIZILL: Who in this office  
19 -- in the -- for the Board of Elections and OCF  
20 should I direct my questions because I know the  
21 Director at DGS. I can -- I can -- but who  
22 should -- who is responsible for the BOEE? Is

1 Sylvia Goldsberry Adams responsible for the BOEE?

2 MR. MICHAEL BENNETT: No -- I mean -- you  
3 would direct your -- your questions as far as the  
4 Board of Elections to Ms. Miller.

5 MS. DOROTHY BRIZILL: And to Ms.  
6 Montgomery for OCF?

7 MS. ALICE MILLER: Yes.

8 MR. MICHAEL BENNETT: Sure. But, again,  
9 just for the record, there -- I mean -- this is  
10 actually being -- the legal responsibility and  
11 this is being driven by the Department of General  
12 Services.

13 MS. DOROTHY BRIZILL: Mr. Bennett, I -- I  
14 know that you have not been around D.C.  
15 government very long, but I assure you that DGS  
16 is not going to move this agency or any agency or  
17 any office without the -- the support and  
18 agreement of the agency being moved. So, let's  
19 take that off the table in terms of -- they're  
20 not making the decision. They're not driving the  
21 train. Okay? I know that. Okay?

22 Let me move on to some other matter.

1 MR. MICHAEL BENNETT: Okay.

2 MS. DOROTHY BRIZILL: I will commit this  
3 to writing and send you a copy. Do you receive  
4 your mail here?

5 MR. MICHAEL BENNETT: Yes.

6 MS. DOROTHY BRIZILL: What is your E-mail  
7 address?

8 MR. MICHAEL BENNETT: E-mail address is -  
9 - I will look it up for you --

10 MS. DOROTHY BRIZILL: Do you have a  
11 government E-mail account?

12 MR. MICHAEL BENNETT: Yes. I'm going to  
13 give it to you. Give me two seconds. Is that  
14 it, Alice?

15 MS. ALICE MILLER: Um-hum.

16 MR. MICHAEL BENNETT: Oh. I'm sorry.  
17 It's mbennett@ -- did you look up --

18 MS. ALICE MILLER: DCBOE. DCBOE.org.

19 MR. MICHAEL BENNETT: [mbennett@dcboe.org](mailto:mbennett@dcboe.org).

20 MS. DOROTHY BRIZILL: Two n's and two  
21 t's?

22 MR. MICHAEL BENNETT: Yes. That's

1 correct.

2 MS. DOROTHY BRIZILL: At DCBOE?

3 MR. MICHAEL BENNETT: Um-hum.

4 MS. DOROTHY BRIZILL: Dot org?

5 MR. MICHAEL BENNETT: Yes.

6 MS. ALICE MILLER: Yes.

7 MS. DOROTHY BRIZILL: Okay. I would like  
8 to ask some questions about the Office of  
9 Campaign Finance and the decision in the Todd  
10 case, and I don't know if Mr. Sanford wants to  
11 join us at the table, or should I direct my  
12 questions to Ms. Montgomery?

13 MR. MICHAEL BENNETT: Why don't you  
14 direct your question to Ms. Montgomery, and we'll  
15 have Mr. Sanford chime in as required.

16 MS. DOROTHY BRIZILL: Okay. My questions  
17 concern that fact that I would like -- as best as  
18 possible -- someone to enlighten me as regards  
19 the decision that was made as regards the fine  
20 that was imposed on Mr. Brandon Todd. And -- if  
21 you just bear with me a minute -- what this board  
22 may not know is that over the past 20 years, I

1 have filed a great number of complaints that have  
2 resulted in the impositions of fine both by the  
3 Board of Elections and the Office of Campaign  
4 Finance. So, I am somewhat familiar with past  
5 cases, and I'm somewhat familiar with the  
6 necessary underlying laws regarding the  
7 imposition of fines by both the Board of  
8 Elections and the Office of Campaign Finance.  
9 And, in particular, I'm referring to Section 3711  
10 of the D.C. Municipal Regulations regarding the  
11 Schedule of Fines, which states in subparagraph  
12 A, "Each allegation shall constitute a separate  
13 violation" and subparagraph B, "A fine shall  
14 attach for each day of noncompliance of each  
15 violation."

16           And, as you know, since I know at least  
17 two of you are attorneys that in addition to  
18 reading the statute -- the underlying law -- one  
19 also goes to the case law for interpretation of  
20 the law.

21           And with regard to how the Board of  
22 Elections and the Office of Campaign Finance have

1 imposed fines in the past, I want to put on the  
2 record four or five cases.

3           The first one is in 2002, the Board of  
4 Elections decision in Administrative Hearing  
5 Number 02-019, in the matter of Mayor Anthony  
6 Williams, in which the board imposed a fine  
7 against Anthony Williams for 500 -- 5,533  
8 separate violations of D.C. Code all regarding  
9 the circulation of his nominating petitions and  
10 imposed a civil penalty in the sum of \$277,700.

11           The other case I would like to reference  
12 is the case of the Video Lottery Slots  
13 Initiative, and that is Administrative Hearing  
14 before the Board of Elections, and the case is  
15 Number 05-002, and the case is captured as Ronald  
16 Drake, D.C. Against Slots, and D.C. Watch versus  
17 The Citizens Committee for the D.C. Lottery  
18 Terminal Initiative of 2004. And, again, in that  
19 case, the Board of Elections itself imposed a  
20 fine of \$622,880. And, this was based upon a  
21 finding of -- and I don't have the number right  
22 here -- it was a fine based on -- calculated at

1 \$200 for 3,893 separate violations of the  
2 District's Election Act.

3           The last -- the next case is Case Number  
4 -- OCF Case Number 10P-033, and it's the Save  
5 D.C. Now Committee, and the order was issued in  
6 2011, and it imposed a fine of \$18,500 for 37  
7 separate violations of the District's Campaign  
8 Finance Law imposing a fine of \$500 for each of  
9 those 37 violations.

10           The next case is Gray for Mayor, OCF Case  
11 FY2011-104. The order issued in 2016, and it was  
12 a fine of \$10,000 based upon numerous violations  
13 -- allegations of excessive contributions,  
14 disbursement of payments to individuals, failure  
15 to establish record-keeping regarding payments,  
16 and excessive cash contributions. And the fine  
17 in that instance was \$10,000 for those multiple  
18 violations.

19           And the last case I would like to mention  
20 is the decision in the Brandon Todd case. I am  
21 at a loss to fully understand how -- for example  
22 -- there is a finding in the order that -- for

1 example -- with receipts -- finding A. Receipts  
2 not reported. A hundred and nine instances are  
3 found in the audit report and in the -- through  
4 the hearing that Mr. Sanford held. A hundred and  
5 nine separate instances of receipts not reported.  
6 And yet, when it comes to calculate the fine,  
7 that is considered and aggregated as 1 violation  
8 of the Campaign Finance law. And, the day count  
9 begins on the issuance date of the final audit  
10 reports.

11           The same thing occurs regarding finding C  
12 -- credit card deposits. There are 4  
13 transactions totally \$68,538 that were not  
14 properly reported. That is aggregated into 1  
15 separate violation, and the day count is 17 days  
16 based upon the date when the file audit document  
17 was issued.

18           And you can go on and you have receipts  
19 not negotiated through the committee's bank  
20 account -- 456 separate contributors --  
21 contributions were not negotiated through the  
22 bank account, with a total of \$83,187. That is

1 considered 1 distinct violation and counted,  
2 again, 17 days from the date of the final audit  
3 report.

4 I could go on, Mr. Chairman and to the  
5 Board. I am at a loss to explain this to people  
6 who ask me about it. I am at a loss to  
7 understand it myself. And, in addition to this  
8 gyrations that was done to consider these numerous  
9 violations as 1 single violation, to know that  
10 we're talking about a campaign that occurred in  
11 2015. That the preliminary audit report was  
12 issued in March of last year in 2016, and still  
13 the problems were not addressed. And it wasn't  
14 until this final audit report was issued in the  
15 spring of this year, and you want to begin the  
16 count not from 2015 -- not even from 2016 -- but  
17 from the spring of this year, and the release of  
18 the final audit report.

19 I would like Ms. Montgomery, if she  
20 could, to educate me because -- I mean -- it's  
21 only by reading the law -- reading the cases --  
22 that I can educate myself as regards how OCF is

1 interpreting the law, and that's my concern.

2 MR. MICHAEL BENNETT: Ms. Montgomery.

3 MS. COLLIER-MONTGOMERY: All right. The  
4 first thing I would like to say is that the audit  
5 report -- the final audit report was issued on  
6 March 30, 2017. The audit report with the  
7 noncompliance report -- because it was a  
8 noncompliance report -- the audit report was  
9 referred to the General Counsel's Office for the  
10 initiation of the enforcement proceeding.

11 So, simply saying it, what was referred  
12 to the Office of the General Counsel for  
13 enforcement was the noncompliance of the  
14 committee with the findings of the audit branch.  
15 The audit branch referred 11 findings -- 11  
16 instances in which the committee failed to either  
17 provide the recommended documentation or the  
18 committee failed to amend the reports or to  
19 submit a consolidated report as recommended by  
20 the audit branch in terms of the 11 findings.

21 There were 11 findings which basically  
22 contained various categories of requirements,

1 which the -- the auditor found the committee  
2 again did not comply with. For instance, one  
3 that Ms. Brizill mentions is receipts not  
4 negotiated. The auditor found that there were,  
5 in fact, 518 contributions which were reported on  
6 the receipts -- on the reports of receipts and  
7 expenditures for which the audit branch could not  
8 find the documentation. In other words, the  
9 contributor check or breakdown of PayPal  
10 information to show that the contributions were  
11 actually negotiated through the committee's bank  
12 account.

13           The statute -- the Campaign Finance Act  
14 requires that -- that committees must show the  
15 total sum of contributions that they receive. It  
16 also -- our rules require that committees must  
17 maintain the documentation to support the  
18 contributions that they receive and that the  
19 contributions or any monies that are taken in by  
20 the committees must be negotiated by their bank  
21 account.

22           The other thing that I would point out is

1 that the auditor, through the Misstatement of  
2 Financial Activity, and basically that is where  
3 the audit branch compares the receipts which are  
4 reported with the bank statements, which were  
5 submitted during the field audit process along  
6 with the contributor checks as well as the  
7 receipts from the credit card companies. They  
8 compare them to see whether they can be  
9 reconciled.

10 In this particular case, the audit branch  
11 found that there were reported on the receipts --  
12 on the reports of receipts and expenditures a  
13 total reported receipts of \$426,488.

14 In terms of the bank statements, which  
15 the audit branch reviewed, the audit branch found  
16 that the bank statements showed receipts of  
17 \$450,192.52, and that the reports of receipts and  
18 expenditures were understated by an amount of  
19 \$23,704.51.

20 With the expenditures, the audit branch  
21 found that the committee reported on its reports  
22 of receipts and expenditures total expenditures

1 in the amount of \$357,297.98, and that the bank  
2 statements show that the committee had made  
3 expenditures out of \$357,967.34, and that the  
4 expenditures were understated on the reports of  
5 receipts and expenditures by \$669.36.

6 My point is that the committee did in  
7 fact -- or the audit branch did in fact find that  
8 with the total receipts, which were reported on  
9 the reports of receipts and expenditures that  
10 those were, in fact, accounted for through the  
11 bank statements and contributor checks as well as  
12 the receipts from the credit card company.

13 The audit branch could not find that the  
14 committee had the required breakdown with respect  
15 to the deposits which were made into the bank as  
16 well as the receipts that it received from the  
17 credit card companies of the individual  
18 transaction. Unfortunately, the -- overall the  
19 audit branch found that this was a result of  
20 sloppy record-keeping.

21 Again, the 11 findings of the audit  
22 branch were referred to the General Counsel for

1 enforcement. This was a noncompliance audit.  
2 So, you have categories of areas in which there  
3 were found to be deficiencies.

4 At the time that the audit report became  
5 final, the committee had not complied with the  
6 findings of the audit branch. So, hence, when  
7 the order was entered, the violations began to  
8 run -- or the dates of noncompliance began to run  
9 from the entry of the final audit report, and  
10 that's basically how the fines were determined.  
11 And, I would ask Bill Sanford to provide further  
12 explanation.

13 MR. WILLIAM SANFORD: Thank you. Ms.  
14 Brizill, if you would kindly refer to page 3 of  
15 the order, it clearly indicates that the audit  
16 alleged 11 violations of the District of Columbia  
17 Campaign Finance Act. So, there is no allegation  
18 that there were hundreds of violations of the  
19 Act.

20 We received the case. It was a contested  
21 case, and it came to the Office of the General  
22 Counsel. The parties were in dispute over

1 whether or not there was noncompliance. We went  
2 through the entire hearing process, and we  
3 determined at the conclusion of the hearings  
4 process that 6 violations that were alleged in  
5 the auditor's report had merit, and we imposed  
6 fines based upon the date that we received the  
7 case until the date the record closed. There is  
8 no indication in the audit report or in the order  
9 that there were hundreds of violations. It would  
10 have been absolutely absurd to charge individual  
11 finds for violations that had been referred in  
12 categories as 1 single finding. And, that's how  
13 we concluded that.

14           There were 17 days in which the fines  
15 were imposed, and these fines were imposed based  
16 upon our schedule of \$50.00 per day for every day  
17 of delinquency.

18           Now, some of the cases you have cited  
19 were cases that had fines that are just a set  
20 fine. It could be a \$2,000 fine. They were not  
21 daily fines. So, those cases are distinguishable  
22 from this case.

1           So, if you would kindly review the order  
2 and the audit, I think that explains how we  
3 arrived at these fines.

4           MS. COLLIER-MONTGOMERY: And one last  
5 thing I would like to point out is that the  
6 orders that Ms. Brizill referred to -- with the  
7 exception of the Gray order -- those were not  
8 cases that originated in the Office of Campaign  
9 Finance. Those were cases that involved  
10 challenges to nominating or initiative petitions  
11 that were filed in the first instance before the  
12 Board of Elections. The Gray case was, in fact,  
13 also a noncompliance audit, but it was also in  
14 the first instance an investigation which was  
15 initiated by the Office of Campaign Finance.

16           The Todd audit, again, was referred to  
17 the General Counsel's Office because that was a  
18 noncompliance audit. The committee failed to  
19 comply with the findings of the -- of the -- the  
20 findings and the recommendations of the audit  
21 branch. So, therefore the audit branch was  
22 unable to complete the audit. And, that's

1 basically what was referred to the General  
2 Counsel's Office. Noncompliance issues from the  
3 audit branch.

4           The audit was initiated in July of 2015.  
5 It was initiated as a result of the fact that our  
6 regulations provide that the audit branch or that  
7 we, the Office of Campaign Finance, can initiate  
8 audits of the campaign operations of newly  
9 elected officials. And, so the full field audit  
10 was initiated of campaign operations of the  
11 Brandon Todd for Ward 4 principal campaign  
12 committee in July of 2015. The committee was  
13 given by our regulations 30 days within which to  
14 submit all of the documentation underlying the  
15 transactions, which were reported during the  
16 entire coverage period of the campaign.

17           MR. MICHAEL BENNETT: Okay. Thank you.  
18 Ms. Brizill.

19           MS. DOROTHY BRIZILL: Let me -- let me  
20 try to restate what my concern is because this  
21 long recitation both from Ms. Montgomery and from  
22 Mr. Sanford does not go to the heart of my

1 concerns.

2           My concern is I don't understand how in  
3 the decision on the Todd case you can identify a  
4 hundred and nine separate instances where  
5 receipts were not reported, four instances where  
6 credit card deposits not reported, and then it  
7 goes on and on. But, in each instance, with each  
8 violation -- categorized violation, they lump  
9 them -- they aggregate them as a single  
10 violation. What I want this board to know is  
11 that the reason I don't understand this is  
12 because in the past, each one of these a hundred  
13 and nine violations was considered a separate  
14 violation, and a fine imposed on that separate  
15 violation.

16           Now, let me just -- I just --

17           MR. MICHAEL BENNETT: Ms. --

18           MS. DOROTHY BRIZILL: Let me -- let me  
19 just finish my thought. Okay?

20           You issued yesterday a decision in the  
21 Muriel Bowser case. Right? And you found that  
22 there were 13 instances of excessive

1 contributions, and you assessed a fine of \$2,000  
2 per violation. So, the fine is \$26,000. Right?

3 MS. COLLIER-MONTGOMERY: That was not a  
4 noncompliance audit, which was referred to the  
5 General Counsel's Office for enforcement.

6 MS. DOROTHY BRIZILL: Referred --

7 MS. COLLIER-MONTGOMERY: The non -- the  
8 noncompliance audit consists of areas in which  
9 the audit branch found that there was  
10 noncompliance with the findings and the  
11 recommendations of the audit that for each  
12 category of requested information, the  
13 documentation was not provided. The findings in  
14 the recommendations constitute the areas of  
15 noncompliance. The -- again, in the Muriel  
16 Bowser case, that was not a noncompliance audit  
17 which was referred to the General Counsel.

18 MS. DOROTHY BRIZILL: Ms. Montgomery, I'm  
19 reading from the Municipal Regulation Regarding  
20 Schedule of Fines. Is there another Schedule of  
21 Fines that deals with noncompliance that I'm  
22 missing? You keep on talking about non -- wait -

1 - hold on -- just wait a minute. You keep on  
2 talking about noncompliance. I want to -- I  
3 really want to understand and educate myself  
4 because it's one thing to read the Code of the  
5 Regulations. I would --

6 MS. COLLIER-MONTGOMERY: There is -- I  
7 think there is a fine in there that addresses the  
8 failure to provide documentation. And, also  
9 there are statutes which also deal with the  
10 failure to provide the sum total of expenditures  
11 or the sum total of contributions.

12 MS. DOROTHY BRIZILL: Okay. Are we  
13 talking about Section 3404, Desk Reviews and  
14 Audits of Title 3 of the Municipal Code? Is that  
15 what you're referring to?

16 MS. COLLIER-MONTGOMERY: That is our  
17 record-keeping.

18 MS. DOROTHY BRIZILL: Okay -- wait a  
19 minute -- wait a minute -- let me just finish  
20 this thought. Okay? This section of the  
21 regulations talks to desk reviews and audits.  
22 And, it said, "Once the field work is completed,

1 the audit division shall issue a draft audit  
2 report and require the submission of a written  
3 response, amended response, and/or additional  
4 documentation by the committee within 30 days."

5 Was that done in this instance?

6 MS. COLLIER-MONTGOMERY: Yes. That's a  
7 preliminary audit report.

8 MS. DOROTHY BRIZILL: The preliminary  
9 audit -- they did do that? You received a  
10 preliminary audit in March of 2016.

11 MS. COLLIER-MONTGOMERY: Yes.

12 MS. DOROTHY BRIZILL: Did they issue a  
13 written reponse?

14 MS. COLLIER-MONTGOMERY: Yes. They  
15 submitted --

16 MS. DOROTHY BRIZILL: Okay. Let me go  
17 onto the next paragraph. "The audit report will  
18 be released and made available to the public."

19 You never released that audit report --  
20 that 2016 audit report to the public.

21 MS. COLLIER-MONTGOMERY: No. Wait a  
22 minute, Ms. Brizill.

1 MS. DOROTHY BRIZILL: Well, wait a  
2 minute.

3 MS. COLLIER-MONTGOMERY: No. You're  
4 incorrect in your -- inaccurately stating --

5 MS. DOROTHY BRIZILL: I'm reading -- I'm  
6 reading --

7 MS. COLLIER-MONTGOMERY: No. You're  
8 inaccurately stating that requirement.

9 MR. WILLIAM SANFORD: Ms. Brizill, you  
10 cannot give your own interpretations to our  
11 regulations.

12 MS. DOROTHY BRIZILL: No, no, no, no.

13 MR. WILLIAM SANFORD: Hold on -- if you  
14 don't understand them.

15 MS. DOROTHY BRIZILL: I want to understand  
16 what the law says and what you did.

17 [Multiple speakers speaking over one  
18 another.]

19 UNIDENTIFIED MALE SPEAKER: They're  
20 trying to enlighten you.

21 MR. MICHAEL BENNETT: Mr. Sanford is  
22 trying to explain.

1           MR. WILLIAM SANFORD: Yes. We're trying  
2 to enlighten you. It says -- it means the final  
3 audit report -- not the preliminary one. And,  
4 that was released -- let me finish.

5           MS. DOROTHY BRIZILL: Where does it say  
6 final audit report.

7           MR. WILLIAM SANFORD: Okay. Well, may I  
8 finish?

9           MS. DOROTHY BRIZILL: The previous  
10 sentence says --

11          MS. DIONNA LEWIS: I'm sorry. I'm sorry.  
12 I'm sorry. Ms. -- okay. I -- I feel like we  
13 need to have everyone here respectfully speak to  
14 one another and let everyone finish their thought  
15 before someone else interjects.

16          Ms. Brizill, I think that we've been very  
17 deferential to you in hearing what you have to  
18 say. Now, I think we should let our OCF General  
19 Counsel offer some insight on some of the things  
20 that you were raising, particularly as it  
21 concerns legal matters. So, if you would just  
22 deferentially give him just an opportunity to try

1 and explain some of the answers, perhaps.

2 MR. WILLIAM SANFORD: There is nothing  
3 that remotely suggests that the preliminary audit  
4 report should be released, because there -- let  
5 me finish, please --

6 MS. DOROTHY BRIZILL: Did I say anything?  
7 Did I say anything?

8 MR. WILLIAM SANFORD: Okay. Okay, I'm  
9 sorry.

10 MS. DOROTHY BRIZILL: I think you're too  
11 sensitive.

12 MR. WILLIAM SANFORD: I'm very sensitive.

13 Because the respondent has a right to due  
14 process. They have a right to respond. They  
15 have a right to refute these allegations. And,  
16 if we release a preliminary audit, we put it out  
17 into the public domain before they've had an  
18 opportunity to contest it. And, that's why it  
19 means the final audit.

20 In this case, there is nothing in this  
21 case that says there were hundreds of violations.  
22 Hold on -- I'll be done briefly -- if you give me

1 a moment.

2 MS. DOROTHY BRIZILL: I still didn't say  
3 anything. Did I?

4 MR. WILLIAM SANFORD: Okay. Okay. Okay.  
5 If you read our audit report, it says exactly  
6 what it says here on page 3 of the order. It  
7 says there were 11 violations of the Campaign  
8 Finance Act, and it lists the categories. So,  
9 the suggestion that there were hundreds of  
10 violations cited by the auditor is completely  
11 inaccurate, because the auditor never cited  
12 hundreds of violations. They cited incidents  
13 that fell into a certain category, but her  
14 conclusions were these 11 alleged violations of  
15 the Campaign Finance Act, 5 of which -- all of  
16 which were disputed by the respondent, and 5 of  
17 which the respondent managed to demonstrate were  
18 not violations. So, the total remaining were 6  
19 violations, and they were -- and fines were  
20 imposed for them.

21 MR. MICHAEL BENNETT: Let me just  
22 comment, though. I think that the problem, Ms.

1 Brizill, that I saw with some of your statements  
2 -- there is an underlying statement that you made  
3 that there were a hundred and nine violations,  
4 and, in fact, what Mr. Sanford is explaining is  
5 that there were not a hundred and nine  
6 violations. There were, in fact, 11 that  
7 eventually ended being boiled down to 6, I  
8 believe. So -- I mean -- since -- so I think  
9 that's the underlying -- that's what he said.  
10 So, your underlying statement is not correct  
11 based on what the General Counsel has advised.

12 MS. DOROTHY BRIZILL: I know that there's  
13 a predilection of the Board to accept the word  
14 and what is said by the General Counsel and Ms.  
15 Collier-Montgomery as gospel. But, I don't know  
16 if in your folder you have a copy of the --

17 MR. MICHAEL BENNETT: Yes, ma'am. I do.

18 MS. DOROTHY BRIZILL: Of the order. But,  
19 on page 9, on simply Finding A, receipts not  
20 reported, it says that they found a hundred and  
21 nine of a hundred and thirty-one receipts were  
22 not reported. Now, that is just Finding A.

1           MR. WILLIAM SANFORD: How many findings  
2 is that, Ms. Brizill?

3           MS. DOROTHY BRIZILL: Excuse me. Wait a  
4 minute. I didn't interrupt you. Did I? Okay?

5           MR. WILLIAM SANFORD: Okay.

6           MS. DOROTHY BRIZILL: Okay. Okay. So,  
7 in that one instance regarding Finding A, there  
8 are a hundred and nine instances where receipts  
9 were not reported. What I am trying to say to  
10 the board -- in the past, those hundred and nine  
11 instances would have been considered separate and  
12 distinct violations by the committee. And,  
13 instead, what they do is aggregated those a  
14 hundred and nine and say that -- consider it one  
15 violation and impose a fine of \$50 per day and  
16 count the days at 17 days. Okay?

17           So, I -- I brought today some of the most  
18 known cases -- but you can go on OCF's website  
19 and the Board of Elections website -- and I gave  
20 a mixture of OCF decisions and Board of Elections  
21 decisions -- so you can see that both entities  
22 have imposed fines based upon the number of

1 violations.

2           My question is -- in this Todd instance -  
3 - I've never known in recent memory the  
4 violations to be aggregated this way. Moreover -  
5 - moreover -- can I just finish this one point --  
6 because I want to make sure. I am not making  
7 this up. I am reading from Title 3 of D.C.  
8 Municipal Regulations, paragraph 3404.a says,  
9 "Once the field audit is completed, the audit  
10 division shall issue a draft audit report with  
11 findings and recommendations and require the  
12 submission of a written response, amended report,  
13 and/or additional documentation by the committee  
14 within 30 calendar days or less."

15           Then, it goes to the next paragraph.  
16 "The audit report will be released and made  
17 available to the public following the receipt and  
18 review of the committee response for compliance  
19 with all outstanding issues."

20           Then, the next paragraph says, paragraph  
21 3404.10, "In the event of a failure to provide  
22 committee records or to respond to the draft

1 audit report" -- going back to the draft audit  
2 report now, not the final -- "in whole or in part  
3 or to any other request of the audit division  
4 including the request for additional information,  
5 the audit division will refer the failure to  
6 comply to the Office of Campaign Finance General  
7 Counsel."

8           Then, the next paragraph, 3404.11 says,  
9 "It is the policy of the Board of Elections that  
10 extensions of time to take action require within  
11 a period of time under this chapter, will not be  
12 routinely granted."

13           So, it doesn't talk about a final audit  
14 report -- as Mr. Sanford wants you to believe --  
15 it's talking in all these paragraphs I read about  
16 the draft audit report. And what we know for  
17 sure is the draft audit report was prepared by  
18 OCF in March of 2016. They did not release it.  
19 They sat on it. Then, they come out with a final  
20 audit report in March of 2017, and they benchmark  
21 the calculation of the fines from that final  
22 audit report.

1           Now, I daresay you have your General  
2 Counsel's Office -- they can go through all the  
3 cases in OCF and BOE. I have never known a  
4 distinction to be made between draft audit report  
5 and final audit report. But, in this instance,  
6 there was one.

7           So, again, is this a harbinger of things  
8 to come? I want to understand this because I'm  
9 being asked to explain it.

10           MR. MICHAEL BENNETT: Yeah. Ms. Brizill,  
11 I think your question has been asked  
12 sufficiently. I think Ms. Montgomery and Mr.  
13 Sanford have answered sufficiently. And, some of  
14 your underlying assumptions based on their  
15 answers are not correct. They don't -- they  
16 don't -- their answers indicate that your  
17 interpretation is different than how they have  
18 interpreted the statute in the previous cases.  
19 I'm not sure that we are gaining any ground here  
20 with additional conversation on this matter.

21           MR. WILLIAM SANFORD: May I just -- could  
22 you just indulge me for just --

1           MR. MICHAEL BENNETT: I'll indulge you  
2 for a moment.

3           MR. WILLIAM SANFORD: Yeah. You know --  
4 Ms. Brizill, what you just read, I would like to  
5 ask you a question. Do you believe that after  
6 the respondent has had an opportunity to respond  
7 to the "draft audit report" that same report is  
8 the report that will be published after a  
9 response is received?

10          MS. DOROTHY BRIZILL: Yes. That's what  
11 the law says. That's what the law says.

12          MR. WILLIAM SANFORD: Well, in that case  
13 --

14          MS. DOROTHY BRIZILL: And then -- you're  
15 prepared a draft audit report in March of 2016  
16 when we were in the throws of a re-election  
17 campaign in Ward 4. You sat on it. They didn't  
18 respond. They dragged their feet.

19          MR. WILLIAM SANFORD: Do you know that --  
20 do you know that for a fact? Do you know that  
21 there was no response?

22          MR. MICHAEL BENNETT: Mr. Sanford.

1           MS. COLLIER-MONTGOMERY:  If I could just  
2  add something.  I think first off -- if you look  
3  at the audit report, you will see in the audit  
4  report the date by which the audit branch  
5  directed the preliminary audit report to the  
6  committee, indicated to them that they had the  
7  opportunity to respond.  I think you will also  
8  see in the audit report that there were several  
9  exchanges of documentation between the audit  
10 branch and also that the audit branch requested  
11 additional information from the committee.  You  
12 will also see that the audit branch referred or  
13 forwarded all of the records that it had to the  
14 accountant -- the CPA -- that was retained by the  
15 committee, who came in to specifically answer  
16 further requests from the audit branch in terms  
17 of the preliminary audit report.

18           So, there was definitely -- there is no  
19 circumstance under which it can be said that the  
20 audit branch sat on the audit report.

21           I would also point out if you look at any  
22 of the final audit reports that are published at

1 the website of the Office of Campaign Finance,  
2 you will see in every instance that there was a  
3 preliminary audit report that was issued and that  
4 -- not issued to the public -- that there was a  
5 preliminary audit report that is drafted by the  
6 audit branch following the full -- the full field  
7 audit, which gives the committee an opportunity  
8 to respond. And, the reason so is because of the  
9 fact that committees will submit additional  
10 documentation. They may be required to submit  
11 amended reports. They have -- may respond to the  
12 audit branch and indicate that they -- for  
13 whatever reason -- that they find or they  
14 disagree with the finding, and the audit branch  
15 may then -- you know -- in some instances, have  
16 said, you're right -- we were wrong.

17 And so we would never issue a preliminary  
18 audit report. It would be irresponsible.

19 MR. MICHAEL GILL: You never issue it  
20 publicly.

21 MS. COLLIER-MONTGOMERY: Yes.

22 MR. MICHAEL BENNETT: I think --

1           MS. COLLIER-MONTGOMERY: And then the  
2 last thing I would say is again -- I would say to  
3 Ms. Brizill, that this was a noncompliance  
4 report, which was sent to the General Counsel's  
5 Office for enforcement. It was the failure of  
6 the committee to comply with the findings and the  
7 recommendations of the audit branch, which was  
8 sent for enforcement. This is unlike those other  
9 cases, which she is referring to, with the  
10 exception of the closest one to it is the Gray  
11 case, and the Gray case was also a noncompliance  
12 audit report, but it started as an investigation  
13 in the Office of the General Counsel, which  
14 requires that there be an audit of the  
15 committee's activity.

16           Also, it is distinguished from the Bowser  
17 case. The Bowser case was not referred to the  
18 General Counsel's Office as a noncompliance  
19 audit. We received a complaint from a member of  
20 the public in that case.

21           MR. MICHAEL BENNETT: Thank you. I think  
22 that the question was properly understood. You

1 got a response. Since this is a -- a section of  
2 the agenda that's about public matters, if you've  
3 got 30 seconds you'd like to say anything else on  
4 this matter, we'll take that. And, if not, if  
5 there's another matter, Ms. Brizill, that you  
6 would like to cover, we are certainly here to  
7 hear that.

8 MS. DOROTHY BRIZILL: Ms. Montgomery has  
9 gone at length to stress that this was a  
10 noncompliance issue. Can she direct me to the  
11 sections of the regulations that specifically  
12 deal with imposition of fines and penalties  
13 regarding noncompliance so that I can educate  
14 myself? Because all I see here is the schedule  
15 of fines for violations of Campaign Finance Laws.

16 MS. COLLIER-MONTGOMERY: I think it's  
17 Section 3711. I think what I said was that it  
18 was a noncompliance audit. I said repeatedly a  
19 noncompliance audit with 11 specific findings of  
20 violations -- of alleged violations of the  
21 Campaign Finance Act, which were referred for  
22 enforcement. And, the audit -- the audit report

1 clearly states what those findings were and as  
2 does the order of the Office of Campaign Finance.

3 MR. MICHAEL BENNETT: Okay. Question  
4 asked and answered. Anything else, Ms. Brizill?  
5 In addition to this matter?

6 MS. DOROTHY BRIZILL: I want to put on  
7 the record that I don't think I got an answer to  
8 any of my questions or my concerns. And that as  
9 you are probably aware of, this matter is not  
10 going to go away, and the Board and OCF's  
11 handling of this matter is not going to go away.

12 MR. MICHAEL BENNETT: Okay. Thank you.  
13 Any other public matters? Okay.

14 For the record, let me just also indicate  
15 that one of the things -- this is a bit of a  
16 matter that the board has to be very careful on.  
17 It is -- I'm not sure if the appeals process or  
18 period is over or not. But --

19 MR. WILLIAM SANFORD: The 14th.

20 MR. MICHAEL BENNETT: The 14th. So, it  
21 is possible that the matter that either Campaign  
22 could appeal any of those matters to the board

1 and we would be in a position to adjudicate that.  
2 And so I think it would be improper for the board  
3 at this point to have an opinion one way or the  
4 other on the matter until that appeal process  
5 time is over.

6 Any other public matters?

7 MR. MICHAEL SINDRAM: Mr. Chair, is there  
8 a date certain where we set the July meeting?

9 MR. MICHAEL BENNETT: No, but I will take  
10 into consideration your point about June 30th,  
11 and I will commit to you at this point that we  
12 will -- if at all possible -- avoid that date.  
13 But, we'll try to get something out, Mr. Sindram,  
14 very, very quickly to give you that date. But,  
15 thank you for letting me know that that was a  
16 problem for you.

17 MR. MICHAEL SINDRAM: Thank you.

18 MR. MICHAEL BENNETT: I'm unable to make  
19 a commitment at this point because I need to  
20 check with the other persons that participate to  
21 determine the specific date. Thank you.

22 If there are no other matters, this

1 meeting is adjourned. Thank you.

2 [Meeting adjourned at 12:07 p.m.]

3 [Off the record.]

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