

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

Lenwood O. Johnson,

Complainant,

v.

Franklin G. Pryor

Respondent

Administrative Hearing
No. 00-005

Re: Forgery Hearing of Franklin G. Pryor

MEMORANDUM OPINION AND ORDER

On November 15, 1999, Franklin Pryor submitted a petition with 47 signatures in an effort to fill a vacancy in the Office of the Advisory Neighborhood Commissioner for the Single Member District 1A08, (SMD 1A08). Pursuant to D.C. CODE §1-257(f)(3)(a), D.C. Mun. Regs. tit. 3, § 1309 (1999), the petitions were available for public inspection for 10 days. On November 24, 1999, Lenwood Johnson—a registered voter in the District of Columbia—challenged Mr. Pryor's petition. He alleged Mr. Pryor's petition contained four (4) signatures that appeared to be forgeries.

Mr. Pryor filed signatures in excess of the requisite twenty-five (25) signatures of registered voters residing in the Single Member District needed to be appointed by the Commission to fill the vacancy. Accordingly, his name was forwarded to Advisory Neighborhood Commission 1A to be appointed by the Commission to fill the vacancy. Notwithstanding Mr. Pryor's successful appointment, the Board is obliged by D.C. CODE §1-257(f)(3)(a), D.C. Mun. Regs. tit. 3 § 1309 (1999) to make a determination as to the

validity of forgery allegations and whether the candidate's petition should be referred to the proper authorities for prosecution.

During a preliminary hearing conducted on December 21, 1999, Mr. Johnson withdrew his challenge with respect to two signatures. More specifically, Adrian and Yvette Wilsons' signatures on the nominating petitions match the signatures on their voter registration cards filed with the Board. However, the remaining challenged signatures of Oswald and Claudia Stuart were found to be of the same hand as determined by Kathryn Fairley, the District's Registrar of Voters. Ms. Fairley found Oswald Stuart's signature did not appear to match his voter registration card on file.

Although Mr. Pryor was aware of and scheduled to appear at a pre-hearing conference in connection with these allegations, he failed to appear. On December 22, 1999, the Board's General Counsel informed Mr. Pryor of the hearing before the full Board concerning this matter scheduled for February 2, 2000. At the hearing, Mr. Pryor informed the Board that he personally circulated the petition in question, and that Oswald Stuart did not in fact sign the petition; rather, his wife, Claudia Stuart signed on his behalf. Mr. Pryor assured the Board he was unfamiliar with the petition process and assumed a person could sign a nominating petition on behalf of their spouse. At which point the Board informed Mr. Pryor that signing on behalf of anyone is strictly prohibited.

Due to the fact that Mr. Pryor had far exceeded the requisite amount of supporting signatures on his nominating petition to fill the ANC vacancy and his testimony relating to ignorance of the law rather than an intentional effort to subvert the nominating process, the General Counsel advised issuing an order documenting the circumstances surrounding Mr. Pryor's offense. In addition, the General Counsel suggested a referral to

the proper authorities for prosecution would be inappropriate, and he recommended admonishing Mr. Pryor with a warning that similar future conduct will not be dismissed. The Board summarily adopted the General Counsel's recommendation as the proper course of action in this proceeding.

Accordingly, it is this 4th day of February, 2000

ORDERED, that this matter be dismissed.



Dr. Lenora C. Alexander
Acting Chairman
D.C. Board of Elections and Ethics