

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

H.J. Amons Sr.

Petitioner

v.

Lamar McIntyre

Respondent

Administrative Hearing

No. 01-002

Re: Challenge to Nominating  
Petition Lamar McIntyre

**MEMORANDUM OPINION AND ORDER**

**I. BACKGROUND.**

This matter comes before the Board on the basis of a challenge filed by H.J. Amons Sr., former Commissioner of single member district 6A10. He claims the new commissioner, Mr. Lamar McIntyre, did not reside in the SMD at the time of filing his nominating petition. Mr. McIntyre does admit there was a fire at his parents' home where he resides in March of 1999; however, he states he returned to the home during renovations in May of that year. The nominating petition in question was signed on August 20, 2000, and Mr. McIntyre submitted bills addressed to his residence as well as a correspondence from PEPCO stating uninterrupted service for the entire year of 2000.

Mr. Amons claims he has investigated the home of Mr. McIntyre and noticed the door was padlocked; furthermore, in his discussions with the utility company, Mr. Amons alleges utilities were not being used—only service fees for continued service were paid. The Board found this significant and raised the question of such low power usage, to which Mr. McIntyre explained that his family makes its best efforts to conserve power. The exchanges between Amons and McIntyre never raised the issue of Mr. McIntyre's intent to live with his parents in his family home. No contrary intent was ever evinced from Mr. McIntyre's testimony, and Mr. Amons never produced evidence disputing his intent. In fact, Mr. Amons was only contesting Mr. McIntyre's true residency on the date he signed his nominating petition.

**II. DISCUSSION**

This case rests squarely upon resolution of Mr. McIntyre's intent of residency. Mr. McIntyre has resided with his parents in their family home all of his life. He and his family were temporarily displaced from the house on account of a fire. The McIntyre family made no intent to change their place of residency throughout the entire ordeal. Mr. McIntyre moved back to his residence during the renovation to ensure vandals did

not destroy his family's property. He even went without a functioning kitchen for some time in order to ensure the house was not tampered with. The sum of Mr. Amons evidence—namely a call to the utility company and a picture of a contractor's lock box on the McIntyre front door—speaks nothing to the intent of Mr. McIntyre. Furthermore, Mr. McIntyre claims that he has been back in the home since May of 1999; therefore, he clearly would satisfy the residency requirement for running for an ANC position.

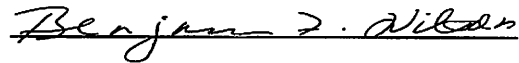
Although Mr. Amons disputes whether Mr. McIntyre was physically residing at his address at the time of signing his declaration of candidacy, he has not provided the Board with sufficient evidence tending to substantiate

III. CONCLUSION

Accordingly, the Board, having denied Ms. Jones's challenge to Mr. Shabazz's candidacy on the ground that Ms. Jones lacked any substantiating evidence tending to support her claim, it is hereby

**ORDERED**, that Ms. Jones's challenge be **DENIED**.

February 12, 2001



Benjamin F. Wilson, Chairman  
D.C. Board of Elections & Ethics