

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

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WEDNESDAY,
JULY 1, 2015

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The District of Columbia Board of Elections convened in Room 280 North, 441 4th Street, N.W., Washington, D.C. 2001, pursuant to notice, at 10:30 a.m., Deborah K. Nichols, Chairperson, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman
STEPHEN I. DANZANSKY, Member

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director
KENNETH J. MCGHIE, ESQ., General Counsel

OFFICE OF CAMPAIGN FINANCE STAFF PRESENT:

CECILY COLLIER-MONTGOMERY, Director
WILLIAM SANFORD, ESQ., General Counsel

C-O-N-T-E-N-T-S

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Adjournment

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

2 (10:35 a.m.)

3 CHAIRMAN NICHOLS: Good morning.
4 Welcome. I hereby call to order the Regular
5 Meeting of the Board of Elections for July 2015.
6 It is Wednesday, July 1, 2015, the time is 10:36
7 a.m. and we are meeting in Room 280 North of One
8 Judiciary Square.

9 I'm Deborah K. Nichols, Chairman of
10 the Board. Present with me this morning is Board
11 Member Stephen Danzansky.

12 BOARD MEMBER DANZANSKY: Good morning.

13 CHAIRMAN NICHOLS: Also present this
14 morning are Mr. Clifford Tatum, the Board's
15 Executive Director, Ms. Cecily Collier-
16 Montgomery, the Board's Director of Campaign
17 Finance and Mr. Kenneth McGhie, the Board's
18 general counsel.

19 Without objection the agenda for this
20 morning's meeting is adopted. Subject to minor
21 corrections and technical edits, the Minutes of
22 the meeting of June 3, 2015 are adopted.

1 Are there any matters the Board
2 members wish to address in this public meeting
3 this morning?

4 BOARD MEMBER DANZANSKY: None here,
5 Madam Chair.

6 CHAIRMAN NICHOLS: All right. With
7 that we will turn to the report of our executive
8 director, Mr. Clifford Tatum. Mr. Tatum?

9 MR. TATUM: Thank you, Madam Chair.
10 There's only one item in my report for today and
11 that is general matters and I simply would like
12 to bring to the Board's attention and present to
13 the public the election calendar for June 14,
14 2016, the federal and local primary elections, as
15 well as the November 8, 2016 general election
16 calendar.

17 We propose to post these calendars to
18 the website for display for the public to give
19 them an idea of what the deadlines will be for
20 the upcoming election. For the immediate June
21 14, 2016 election, the most important deadline is
22 for the Board to determine the eligibility of

1 parties to conduct a congressional and council
2 primary and our deadline for that is December
3 3rd. At this point in time there appears to be
4 three parties that are eligible for the primary
5 and that would be the Democratic Party, the
6 Republican Party and the D.C. Statehood Green
7 Party.

8 The deadline, December 17, 2015, is
9 the deadline for the parties to file notice of
10 intent for the Board to conduct their primaries
11 and to file their conference and party plan with
12 our office.

13 And then of course one of the most
14 important deadlines is January 22nd which is when
15 we determine the number of signatures that are
16 required for candidates to make the ballot so
17 nominating petitions will be made available for
18 candidates to pick up on January 22, 2016. And
19 of course the November calendar we'll just place
20 out for publication and as we get closer to that
21 particular date we'll discuss what the
22 particulars are for that particular primary.

1 The second item is we are finalizing
2 the after-action report for the 2015 special
3 election. As we always do after each election we
4 complete an after-action report.

5 I would like to report to the Board
6 that, as the Board recalls, during the June Board
7 meeting we provided a report to the Board on the
8 request for a recount of the Ward 8 council
9 member seat. That request was made by Mr. Trayon
10 White and we began a recount process as required
11 by law and after the first day Mr. White asked
12 for the recount to be terminated.

13 We then subsequently submitted a
14 report as well as an invoice to Mr. White for the
15 amount of \$1,426.80 and as of today's date we
16 have not received payment from Mr. White for that
17 invoice. The invoice was dated June 1, 2015 and
18 we forwarded the invoice to Mr. White and his
19 counsel on June 4th. So at some point we will
20 have to bring this matter back before the Board
21 if we do not receive payment.

22 CHAIRMAN NICHOLS: So how long do we

1 give them to make payment?

2 MR. TATUM: Typically we're on a 30-
3 day net which is the general practice but I'll
4 have to confer with general counsel to see when
5 we would send a second request for payment and
6 then proceed in that route.

7 The third item under general matters
8 is as the Board is aware, there will be a public
9 hearing on July 8, 2015 at the Council hearing on
10 Bill 21-0028 and that's on changing the
11 definition of qualified elector to include a
12 permanent resident and we've been asked to
13 provide testimony on that particular legislation
14 so we are drafting the legislation testimony and
15 we'll be prepared to provide our thoughts to the
16 Council on changing the definition of qualified
17 elector.

18 And last but not least I would like to
19 recognize, as the Board is aware, during the
20 month of June we had a summer employee event at
21 the Langston Park which is now the Chuck Brown
22 Park, and that outing was organized by Ms. Denise

1 Steve and the idea behind it was to build morale
2 and to thank the employees for the hard work that
3 they've done over the past three election cycles.

4 I think we've had an election every
5 six months over the last three years so I wanted
6 to thank Ms. Steve and put it on the record that
7 she did a good job in organizing the event and we
8 had a good turnout. Both the Office of Campaign
9 Finance and the Board of Elections came out. We
10 had family members with staff who came out and we
11 had good food, had a good time and good music and
12 we thank Ms. Steve for that. And she's standing
13 outside the door since there was not enough seats
14 inside. Thank you, Ms. Steve.

15 CHAIRMAN NICHOLS: Thank you, Ms.
16 Steve.

17 MR. TATUM: Madam Chair, that's all I
18 have for my report today.

19 CHAIRMAN NICHOLS: All right. Are
20 there any questions of Mr. Tatum?

21 BOARD MEMBER DANZANSKY: Yes. Mr.
22 Tatum, I know that the Libertarian Party was not

1 mentioned. Did they not qualify?

2 MR. TATUM: They did not qualify.
3 They did not gain enough votes in the November
4 2014 election to qualify for the primary election
5 to maintain party status.

6 BOARD MEMBER DANZANSKY: Party status?

7 MR. TATUM: Yes.

8 BOARD MEMBER DANZANSKY: Thank you.

9 CHAIRMAN NICHOLS: All right. Having
10 gone through that, we will now move to the Report
11 of Mr. Ken McGhie, our general counsel, and we
12 will start with the subject matter hearing on the
13 initiative Fair Minimum Wage Act of 2016. Mr.
14 McGhie?

15 MR. MCGHIE: Yes. Can I ask the
16 proposer of the initiative to come take a seat at
17 the table, Mr. Matt Hansen, and if you have your
18 counsel with you then have him take a seat as
19 well. And I'll just give a little brief
20 overview of what we're doing here today. This is
21 a hearing for the Board to make a determination
22 on whether the initiative is a proper subject of

1 an initiative. The Board's parameters are very
2 narrow. It's really just eight subjects in which
3 the Board would reject an initiative, making a
4 determination that it's not a proper subject.

5 Those would be if it is contrary to
6 the terms of the Home Rule Act; it seeks to amend
7 the Home Rule Act; it would appropriate funds; it
8 would violate the U.S. Constitution; it is not in
9 compliance with the Office of Campaign Finance
10 filing requirements; it is not in the proper
11 legislative form or it would discriminate,
12 unlawfully discriminate, or it would negate or
13 limit a budget act.

14 Those are the only criteria that the
15 Board would have to look at on whether to reject
16 an initiative. If the initiative does not fall
17 into one of those categories, then the Board is
18 required to accept the initiative as a proper
19 subject to place on the ballot.

20 CHAIRMAN NICHOLS: All right. General
21 Counsel, had the proponents complied with the
22 requirements in terms of the administrative

1 requirement?

2 MR. MCGHIE: Yes. They have properly
3 filed all their papers with the Office of
4 Campaign Finance and they are in compliance with
5 those filings.

6 CHAIRMAN NICHOLS: Okay. Are there
7 any opponents to the initiative who are
8 interested in making comments at this time?

9 MR. MCGHIE: Yes. We have a number of
10 people that have submitted a request to testify
11 in opposition to the initiative. And let's see,
12 can we bring I guess chairs--

13 CHAIRMAN NICHOLS: Can we get staff to
14 bring some additional chairs to the table? We're
15 trying to be nice.

16 MR. MCGHIE: And the first person we
17 would call would be Harry Wingo with the D.C.
18 Chamber of Commerce.

19 CHAIRMAN NICHOLS: We can just have
20 one at a time because this is not going to work,
21 we don't have enough space up here. We tried to
22 do a Council thing where we have a panel but

1 that's not feasible. Mr. Wingo. Welcome. Thank
2 you for coming this morning. I understand you
3 have testimony? Is that right?

4 MR. WINGO: Yes ma'am. Good morning.

5 CHAIRMAN NICHOLS: Good morning.

6 MR. WINGO: Chairman Nichols and
7 other members of the Board of Elections. I'm
8 Harry Wingo, President and CEO of the D.C.
9 Chamber of Commerce. Thank you for the
10 opportunity to submit comments and to provide
11 remarks for the record on the proposed Fair
12 Minimum Wage Act of 2016 and its appropriateness
13 for the 2016 ballot.

14 The proposed initiative raises several
15 economic and fiscal concerns that I have
16 identified in my submitted testimony and that I
17 would like to briefly summarize now.

18 The proposed measure is not a proper
19 subject matter for an initiative. Due to the
20 impact increasing labor costs will have on all
21 employers, directly and indirectly, the result
22 will have a bearing on the District's revenue

1 forecast, expenditures and appropriations.

2 The proposed measure, if adopted, will
3 cause both private sector businesses and local
4 government programs to absorb the effects and
5 costs of this initiative, and this will go beyond
6 simple wage increases. Absorbing the economic
7 effects is something the local government cannot
8 dom without taking appropriations action.
9 Moreover, the D.C. Council has just recently
10 acted on the minimum wage. Since the initiative
11 proposed would interfere with that legislation,
12 any changes should remain within the purview of
13 the legislative process.

14 The proposed measure to raise the
15 District's minimum wage to \$15 dollars per hour
16 via ballot initiative has influences and
17 repercussions that require careful deliberation
18 and shouldn't be reduced to a simple yes or no
19 ballot initiative.

20 This is not an area that the
21 initiative and referendum process was intended to
22 address, so the proposal will negate and limit

1 previous acts of our legislature and disrupt the
2 appropriations process.

3 While it may sound progressive to
4 raise the minimum wage by ballot, the harmful
5 economic effects that the high labor costs would
6 have on local businesses, particularly small
7 businesses, and the D.C. government agency
8 resources will be regressive.

9 These are deep policy implications
10 that cannot be reduced to a simple yes or no
11 ballot question. This is why it's always been the
12 authority of the District's legislature to
13 mandate such requirements. The laws of
14 economics dictate that this initiative inevitably
15 would require appropriations and interfere with
16 the appropriations process, even though it does
17 not say so within the wording of the proposed
18 initiative.

19 To disrupt the appropriations process,
20 the impact does not always have to be direct.

21 A ballot initiative will tie the hands
22 of the Council members who have set minimum wage

1 policy and are responsible for approving budget
2 appropriations.

3 As a consumer of goods and services,
4 D.C. government agencies' expendable budgets will
5 have to increase due to the rising costs of
6 products that are purchased from the private
7 sector, as well as the high labor costs
8 associated with contracts and agreements with
9 small local disadvantaged business enterprises.
10 The effect of the increased contract prices may
11 impact the vendor budgets of several agencies,
12 including our schools, public safety agencies and
13 the Convention Center for example.

14 An analogous effect has been
15 illustrated by the Congressional Budget Office
16 which has stated for congressionally increased
17 minimum wages that there is an indirect cost to
18 the federal budget that would be borne from the
19 increased price of goods and services purchased
20 by the government should minimum wages increase.

21 In reality, D.C. government employees
22 and contractors will not be exempt. While the

1 initiative includes a paper exclusion for D.C.
2 employees and D.C. contracts, the economic
3 reality nullifies the exemption. No employer is
4 going to create a dual pay system where employees
5 on D.C. contracts earn less than employees
6 performing the same tasks in the private sector.

7 It's folly to think that D.C.
8 contractors will not have to raise all wages to
9 the proposed wage minimum and thereby increase
10 bid prices to cover the additional costs of
11 labor. The inevitable result will be added cost
12 of appropriations for any procurement for
13 government-supported project.

14 We have seen precedent as recent as
15 this year's budget process when the D.C. Council
16 acted to allocate additional funds to government
17 staff and contractors, particularly the
18 commercial cleaning teams, to provide parity in
19 wage earnings.

20 It should be noted that to keep the
21 current living wage differential over the minimum
22 wage, the legally required living wage would have

1 to increase to just over \$20 dollars by 2025.
2 Since that is higher than what is currently
3 anticipated in the financial plan, the District
4 government will have to increase its agencies
5 budgets to maintain the differential and pay its
6 government staff and contractors the higher
7 living wage.

8 To further illustrate the differences
9 the proposed initiative would have on public
10 sector employment, there are several positions
11 currently offered by the D.C. government that pay
12 less than \$15 dollars an hour. Our school bus
13 attendants start at \$13.28 per hour. Even with
14 the 2.5 percent annual increase, those employees
15 will be making less than the proposed minimum
16 wage should this matter proceed.

17 What can be expected with this
18 proposed initiative is that each government
19 employee that is not making the minimum wage will
20 demand their hourly wages to increase to that
21 level and the District will feel the moral
22 obligation to comply thus increasing the

1 personnel services budget.

2 Next, consider the impact the
3 significant increase in labor costs will have on
4 our local economy. Several studies and
5 researchers have shown that increasing the
6 minimum wage is no economic policy. Basic
7 economic principles tell us that the higher price
8 of labor in one sector of a geographical labor
9 market will result in a flow of jobs and
10 employment to lower cost markets for us, that
11 means Virginia, Maryland and even Delaware. Lost
12 jobs translate to more funds being expended on
13 the District's unemployment compensation fund and
14 increased allocations to public subsidy programs.

15 With more workers commuting from other
16 jurisdictions to the District than there are D.C.
17 residents working in the District, any policy
18 changes made applicable precisely to this market
19 directly impact business costs and revenue. And
20 also impact the District's economic forecast and
21 budgets which are entered in it.

22 For example, because the District is

1 prohibited from imposing a non-resident income
2 tax, the majority of the taxes collected on
3 personal income go out of the city because barely
4 30 percent of workers in the District also live
5 in the District. Significantly increased
6 minimum wages will result in the loss of
7 employment. An increase in wages means
8 businesses are paying more for less on increased
9 production. For the District that means the key
10 industries, such as hospitality, food services
11 and retail that depend heavily on hourly workers
12 will be adversely impacted the most.

13 In the event that a company is not in
14 a position to pass on costs to consumers and
15 compete with Maryland and Virginia, they will
16 face the decision to shut down their operations
17 altogether or relocate to a jurisdiction with
18 lesser regulatory challenges, also thus
19 negatively impacting the District's projected
20 revenue from the collection of taxes.

21 And my last point, a significant
22 increase in labor costs will impact small

1 businesses and industries operating on small
2 margins. Of the major employment industries that
3 make up our private sector jobs in the District,
4 the majority of our D.C. workers are employed in
5 the service-providing industries.

6 Even with tens of thousands of firms
7 located in the District, only a small portion
8 would be considered a large business. In fact,
9 we have nearly 67,000 small businesses in D.C.
10 Due to the fact that small businesses often
11 operate on the thinnest of margins and that a
12 couple of our leading service industries are
13 seeing a decrease in the latest economic trends
14 report, the Board should consider the impact
15 increasing costs within the labor market will
16 have on our small businesses and, in turn, the
17 District's tax revenue and the overall budget.

18 No small business owner can operate
19 under increased cost conditions with this impact.
20 The economic literature demonstrates that if
21 minimum wage is increased significantly, jobs for
22 lower wage workers would be eliminated, prices

1 for goods and services will increase, the share
2 of low wage workers who are employed will fall,
3 along with our competitive position in the
4 regional economy.

5 Thus it's important that we detail to
6 you, and thank you for the opportunity to do so,
7 the influence that the proposed initiative will
8 have on the economy and the District's budget,
9 and the reasons why we feel that this ballot
10 measure is inappropriate. Thank you for the
11 opportunity to present--

12 CHAIRMAN NICHOLS: Thank you, Mr.
13 Wingo. Thank you. We will move on to our
14 next--

15 MR. MCGHIE: Well, let me just say
16 from the outset that Mr. Hansen you will have an
17 opportunity to respond to everybody at the end
18 rather than -- we'd never get through this as you
19 can imagine.

20 MR. WINGO: Thank you, Madam Chair.

21 CHAIRMAN NICHOLS: Thank you, Mr.
22 Wingo. Thank you. Oh, do you have a question?

1 All right. Ms. Valentino? Oh sorry. Go on and
2 take a seat and we'll come back to you. Sorry.
3 Mr. Danzansky?

4 BOARD MEMBER DANZANSKY: Mr. Wingo,
5 counsel just read the eight elements for
6 disqualification of an initiative and again it's
7 a very narrow field that we as a Board have,
8 clearly understanding the business community's
9 concerns about an initiative of this kind and the
10 consequences, although the economics are often
11 debatable in such matters and I'm sure the
12 proponents will have their own economists and
13 economic surveys and statistics to prove
14 otherwise.

15 But my question is are you essentially
16 saying that this is an implied or direct
17 appropriation of funds? Is that the concern you
18 have here?

19 MR. WINGO: That is exactly the
20 concern and definitely implied impact.

21 BOARD MEMBER DANZANSKY: Because of
22 the tie of the minimum wage to things like the

1 D.C. minimum wage, living wage and other
2 provisions of laws?

3 MR. WINGO: Yes sir. We know that
4 the-- so our concern is that prohibitive
5 disruption of the appropriation process must be
6 actually spelled out in the language of the
7 initiative and be a direct requirement.

8 But we disagree with ignoring the
9 indirect compulsion, the impact that you just
10 addressed that will be there, and what I'm saying
11 is that the incontrovertible law of economics
12 lead to the conclusion that this initiative would
13 require appropriations and would interfere with
14 the appropriations process and, for those
15 reasons, I do feel that within those narrow
16 restrictions, the actual impact, the predictable
17 impact of this ballot initiative would be at odds
18 with those requirements. And can we see it being
19 tied to the other things that will be impacted?
20 Absolutely sir. That is our concern.

21 BOARD MEMBER DANZANSKY: Okay.

22 CHAIRMAN NICHOLS: So Mr. Wingo, since

1 we have a member who has asked a question and
2 you've given a response, I think it would be fair
3 to let the proponents respond to that question
4 also. Please sir?

5 BOARD MEMBER DANZANSKY: Could you
6 just identify yourself for the record.

7 MR. SANDLER: Mr. Matt Hansen who's
8 the proposer and I'm Joe Sandler lead counsel for
9 the proposer and the ballot committee.

10 In brief, notwithstanding Mr. Wingo's
11 reference to the incontrovertible the laws of
12 economics were substantial, there's economic
13 literature to show that in basically the states
14 that have raised the minimum wage, the impact has
15 been to raise incomes without any negative impact
16 on employment. And some of those studies are
17 cited in the testimony that Mr. Hansen will be
18 presenting today.

19 But the main point is given at best
20 conflict in economic literature, this Board
21 cannot and is not called upon to engage in an
22 econometric study and a dynamic economic analysis

1 to determine if there's some indirect impact on
2 the District revenue by virtue of the increase in
3 number of jobs or decrease in the number of jobs,
4 increase in wages, decrease in employment, and to
5 make all of those complicated measurements.

6 The legal standard is not remotely met
7 here for what's required in terms of an impact in
8 District revenue and appropriation of funds as
9 the Court of Appeals has interpreted for that
10 reason. And of course two attorneys general have
11 found that this is a proper subject for an
12 initiative and the Board made that finding last
13 year with respect to measurements which were
14 identical except for the (inaudible).

15 CHAIRMAN NICHOLS: Thank you. Thank
16 you, Mr. Sandler.

17 MR. SANDLER: Thank you.

18 CHAIRMAN NICHOLS: Ms. Valentino?

19 MS. VALENTINO: Thank you and good
20 morning.

21 CHAIRMAN NICHOLS: Good morning.

22 MS. VALENTINO: My name is Ellen

1 Valentino and I'm here today representing the
2 Mid-Atlantic Petroleum Distributors and from the
3 onset I want to make it clear that I am an
4 attorney but we did want to submit and make an
5 argument that I think may be novel to what you've
6 heard previously and what you're probably going
7 to hear today because in reviewing the
8 proponents' testimony and the attorney general's
9 letter, I don't think they talk about at all the
10 issue that this may violate the D.C. Human Rights
11 Act.

12 And I want to point it out and my
13 testimony is very short, but what I do is take
14 very specifically from the D.C. Code and look at
15 the protected classes that the D.C. government
16 has outlined with respect to protection under
17 human rights.

18 And I have never sat on the D.C. City
19 Council. I would venture to say I didn't work
20 there during 2014. But they're very clear and
21 you have them before you today and I think it's
22 important to read them, that you can't

1 discriminate based on race, based on religion,
2 based on sexual orientation, based on where you
3 went to school or how you went to school.

4 And there's also a provision in there
5 that says based on source of income. Based on
6 source of income. And they define source of
7 income. They must have labored over it because
8 it's very deliberately defined. And I just think
9 it's important to say it can't be limited to
10 money and property secured from any occupation.
11 So the proposal today exempts D.C. employees and
12 those bus drivers that Mr. Wingo referenced
13 wouldn't be discriminated against. Very
14 clearly.

15 Now if this provision was before you
16 today and it didn't say it exempts D.C. employees
17 but it said it exempted females, it exempted non-
18 Christians, it exempted Christians, it exempted
19 you know we could go down the list for examples,
20 I venture to say that it very likely would not be
21 a proper ballot initiative.

22 And so do I think this is a new

1 argument that you need to opine on? I do. Do I
2 think that if you go forward and this goes to the
3 ballot, you set a precedent on which ballots can
4 come before you today that exempts people based
5 on race, based on gender, based on religion,
6 based on where they work, based on whether
7 they're educated or not. And I think it's
8 significant. So I urge you to reject it and make
9 a new ruling, a new decision and really take that
10 into calculation.

11 And as far as Mr. Wingo's testimony,
12 listen, I concur with that. I do think there's
13 going to be a direct impact. I represent hundreds
14 of businesses here in the city and I do know the
15 consequences of when you let someone go, being
16 there and being as an employer, saying this is
17 where you can go for D.C. services. This is
18 where you can go to collect unemployment. This
19 is where you go down the road should you not be
20 able to meet your financial needs yourself. And
21 it does impact.

22 So with that said, this is different.

1 It's pretty simple. I think the beauty of it is
2 the clarity of it all because if you remove a
3 D.C. employee and substitute any one of these
4 classes, this would not go to the ballot and
5 source of income is a legitimate one. I didn't
6 write this law, I think this is what the Council
7 intended based on the definition. And I urge you
8 to reject this. I don't think it's a proper
9 ballot initiative.

10 CHAIRMAN NICHOLS: Thank you, Ms.
11 Valentino.

12 MS. VALENTINO: Thank you.

13 CHAIRMAN NICHOLS: Are there any
14 questions of Ms. Valentino?

15 MR. SANDLER: Just briefly, Madam
16 Chair. This is not the idea that one statute
17 that exempts a category of District government
18 employees can violate the Human Rights Act which
19 is another statute doesn't really add up. If that
20 were the case, then the living wage law itself
21 which only applies to the contracts where the
22 District is expending money, or the first source

1 law which only applies where the District is
2 spending money -- the opposite of what we have
3 here -- would violate the Human Rights Act and be
4 invalid can't be the intent of the Council if
5 that was all (inaudible). Thank you, Madam
6 Chair.

7 CHAIRMAN NICHOLS: Thank you, sir.
8 Thank you. Eric Jones?

9 MR. JONES: Good morning Chairperson
10 Nichols and members of the D.C. Board of
11 Elections. I'm Eric J. Jones, associate director
12 of government affairs for the Associated Builders
13 and Contractors of Metro Washington. ABC Metro
14 Washington is a premium advocate for fair and
15 open competition and the American Construction
16 Association in the Metropolitan Washington, D.C.

17 It is our mission to protect, enhance
18 and manage our philosophy within the construction
19 industry, to speak for the industry to the public
20 and to engage members and to succeed in a
21 challenging marketplace.

22 And with that in mind, I am here today

1 to offer testimony on the proposed fair minimum
2 wage act of 2016.

3 After carefully reviewing the proposed
4 ballot initiative, it is the belief of ABC Metro
5 Washington that the proposed initiative would
6 violate District law. In particular we believe
7 that the proposed initiative would require the
8 D.C. Council to appropriate funds which would
9 make the proposed initiative illegal. This is
10 because carrying an initiative would change the
11 pay scale for apprentices which are required by
12 District law on all District-funded construction
13 projects such as libraries, recreation centers
14 and schools.

15 In addition, the initiative would also
16 change the prevailing wage under the Davis-Bacon
17 Wage Act which federal and District law require
18 all contractors to pay on projects which use
19 District funds that receive public assistance
20 from the District government.

21 Currently the law mandates that no
22 prime contractor or subcontractor shall contract

1 with the District government within any 12 month
2 period to perform construction or renovation work
3 in a cumulative amount of \$500,000 dollars or
4 more unless such prime or subcontractor registers
5 or has a registered apprenticeship program with
6 the D.C. apprenticeship council.

7 Further, the law mandates that a
8 minimum numerical rate on each project which
9 requires a company to establish an apprenticeship
10 program to be one apprentice to every three
11 journey-persons employed. This means that in
12 addition to having a registered apprenticeship
13 program for their employees, that for each
14 District government project in which they are
15 working, the company must have at least one
16 apprentice working for three journey-persons with
17 a minimum of at least one apprentice working on
18 every site.

19 In addition, the District's
20 apprenticeship law which requires companies to
21 register and provide apprentices to work on
22 District government projects, the District's

1 first source law requires that any company sign a
2 first source agreement on any construction
3 project in which the city provides more than \$5
4 million dollars in public assistance.

5 Under this agreement, the prime and
6 subcontractors in addition to having registered
7 apprenticeship programs, must also ensure that at
8 least 60 percent of all apprenticeship hours by
9 trade are performed by the residents of the
10 District of Columbia for the duration of the
11 project.

12 Currently, the District through the
13 Department of Employment Services and the D.C.
14 apprenticeship council has set the wage rate for
15 apprentices within the District to 50 percent of
16 the current journey-person wage rate which is set
17 forth by the Davis-Bacon wage scale.

18 Under the current policy, any trade
19 which pays a journey-person less than \$30 dollars
20 an hour, would be required to increase their pay
21 for apprentices for the first half of 1,000 on-
22 the-job training hours of their program.

1 Currently this would include more than half of
2 the trades for which the District has approved
3 apprenticeship programs, including but not
4 limited to, carpentry, cement masonry, drywall,
5 electrical workers, glazing, laborers, painting
6 and plumbing.

7 While each of the trades mentioned
8 above pay their journey-persons well above the
9 proposed minimum wage of \$15 dollars an hour,
10 their average salary is still below \$30 dollars
11 an hour which means their apprentice rate is less
12 than \$15 dollars an hour.

13 However, if the current initiative is
14 allowed to continue, companies will be required
15 under the new law to set their apprenticeship
16 wave wage rate to \$15 dollars or more no matter
17 the wage rate for the journey persons because the
18 federal and District law mandates that entry
19 level apprentices shall not be paid less than the
20 District minimum wage.

21 While the proposed ballot initiative
22 stipulates that new regulations will not apply to

1 District government and District contractors, the
2 federal law which mandates the District's use of
3 federal apprenticeship guidelines, states that
4 the only exception to paying the prescribed rates
5 based on Davis-Bacon is when a wage higher than
6 the local minimum wage is required by other
7 applicable federal or state laws.

8 In addition, this initiative would
9 also require companies to amend their current
10 apprenticeship agreements and increase their
11 minimum apprenticeship rates. This is
12 problematic because the additional cost which is
13 required by District law, would be passed on to
14 the District in the form of contract change
15 orders.

16 Currently under District law all
17 contracts above \$1 million dollars must go before
18 the City Council for approval, which is a form of
19 appropriations. Because these contracts are a
20 debt by the city and by law must be paid, this
21 would mean that they require an appropriation
22 that subsequently would make the proposed ballot

1 measure illegal.

2 In addition, a change in the minimum
3 wage which companies are required to pay their
4 apprentices in this district, this initiative
5 would also impact the Davis-Bacon wage scale.
6 Currently, there are several wage rates in the
7 District which are below \$15 dollars an hour.

8 If this initiative was to pass and
9 become law, it would make it illegal for a
10 company to pay less than \$15 dollars an hour to
11 their employees. Because of this, companies when
12 completing their wage surveys will provide
13 information stating that their average rate of
14 pay must be \$15 dollars an hour. This would
15 change the wage rate because by law you are not
16 able to pay anything less than the local minimum
17 wage if you are a federal or District government
18 contractor. Because of this, companies will set
19 their rates which currently are under \$15 dollars
20 an hour to \$15 dollars an hour or the minimum
21 wage for journey-persons.

22 Unlike previous changes to the Davis-

1 Bacon wage scale, this would cause the District
2 again to face change orders based on the new rate
3 because while companies are legally able to pay
4 the Davis-Bacon wage rate that was established
5 when they signed their contract, they must pay
6 the current minimum wage. This means that
7 companies doing projects which have been bid,
8 awarded, budgeted for and for which funds have
9 been appropriated through the budget process,
10 would have to pay additional rates based on the
11 new wage.

12 This again would require the City
13 Council to vote on contracts which cover change
14 orders and again require them to appropriate
15 funds to cover these debts which the City has
16 created and are contractually obligated to pay.

17 For the reasons listed above, we would
18 recommend that you reject the proposed ballot
19 initiative. In addition, general counsel
20 mentioned that we receive opinions from two
21 general counsels from the Office of General
22 Counsel. According to District law, the only

1 office that can provide opinions on the
2 appropriation of funds is the Chief Financial
3 Officer which has not weighed in on this issue at
4 hand. Thank you.

5 CHAIRMAN NICHOLS: Thank you, Mr.
6 Jones. Unless a member asks a question, you
7 don't have to respond at the end of testimony
8 until you get to your own. We'll move on now to
9 Kirk McCauley. Are you present?

10 MR. MCCAULEY: Good morning.

11 CHAIRMAN NICHOLS: Thank you, Mr,
12 Jones.

13 MR. JONES: Thank you.

14 MR. MCCAULEY: Good morning, Madam
15 Chair.

16 CHAIRMAN NICHOLS: Good morning. How
17 are you?

18 MR. MCCAULEY: Good morning, Madam
19 Chair and members of the Council.

20 CHAIRMAN NICHOLS: Well, we're not
21 members of the Council.

22 MR. MCCAULEY: Well of the Board of

1 Elections. My name is Kirk McCauley and I
2 represent service stations and repair shops in
3 the District of Columbia, Maryland and Delaware.

4 And I don't have a whole lot to say
5 because it's already been said and you don't want
6 to just keep repeating things. But it will cost
7 in unemployment, it will cost the government. It
8 will cost the government when businesses have to
9 move out because they can't afford to pay these
10 wages with all the associated fees that they pay,
11 licenses and fees for underground storage tanks,
12 novel fees, stadium fees. It all costs a lot of
13 money and it'll cost the District more.

14 And unlike the living wage that didn't
15 go to ballot, this one is going to go to ballot.
16 So there's a lot of issues here. I agree with
17 the gentleman that just got up, what Mrs.
18 Valentino said, what the Chamber said and it's
19 just not the proper venue for this one and thank
20 you.

21 CHAIRMAN NICHOLS: Thank you, Mr.
22 McCauley. We appreciate it. All right. Unless

1 there are questions from members we will ask for
2 comments from the proponents of the initiative.

3 MR. HANSEN: Good morning, members of
4 the Board of Elections. Thank you for allowing
5 me to testify here today in support of the
6 proposed Fair Minimum Wage Act of 2016.

7 My name is Matthew Hansen and in
8 addition to being the proposer of the ballot
9 initiative, I am also the campaign director for
10 D.C. Working Families and together with our
11 partners at the Restaurant Opportunity Center of
12 Washington, D.C., we're supporting this effort to
13 raise the minimum wage to \$15 dollars an hour for
14 all working people in the District of Columbia.

15 We're supporting this initiative
16 because we know that the current minimum wage,
17 even after it's increased to \$10.50 an hour, is
18 still not enough for the families of this city to
19 make ends meet and that if we want to make sure
20 that everyone receives a fair wage, we must raise
21 the minimum wage to \$15 dollars an hour.

22 It wasn't that long ago that the

1 minimum wage provided a decent standard of
2 living, but over the past three decades wages
3 have been driven down, producing massive income
4 inequality in an economy that is out of balance.

5 This has been especially true in
6 Washington, D.C. and according to the non-
7 partisan Economic Policy Institute, since 1979,
8 D.C.'s top one percent's income has grown 235
9 percent and since the recession it has increased
10 almost 30 percent.

11 The average income for the top one
12 percent is now 32 times greater than the average
13 income for the bottom 99 percent and, unless we
14 do something to address this growing imbalance,
15 the problem will only get worse.

16 For example, the National Low Income
17 Housing Coalition has found that to afford a fair
18 market rent apartment in D.C., a minimum wage
19 worker would have to work an impossible 137 hours
20 per week. I'll say that again -- 137 hours per
21 week 52 weeks a year.

22 While we applaud the City Council for

1 recently raising the minimum wage, we know that
2 we must do more. Raising the minimum wage to a
3 higher standard is a step in the right direction
4 and will significantly improve the quality of
5 life for hardworking people across the city.

6 Raising the minimum wage to \$15
7 dollars an hour for all workers, including tipped
8 workers, and continuing to index it to the cost
9 of living is one of the most effective things we
10 can do if we want to grow the economy, restore
11 balance to it and regain some of the lost ground
12 since the recession.

13 Despite the stereotype, the typical
14 minimum wage worker is not a teenager working for
15 fun money; the average worker is more likely to
16 be a 35-year-old woman with some college
17 education, very often a parent. She is someone
18 who's trying to do everything right but the deck
19 has been stacked against her. With today's
20 minimum wage a full-time worker with two
21 dependents can work full-time year round and just
22 barely hover above the poverty line.

1 The National Employment Law Project
2 reports that a near majority of jobs that have
3 been created since the recession, the ones that
4 are replacing previously good paying ones, are
5 low wage jobs. Raising the minimum wage would go
6 a long way to restoring the minimum wage to where
7 it was at its peak when unemployment rates were
8 low and the minimum wage reflected much higher
9 purchasing power and is equal to half of what
10 the median worker earned.

11 This ballot initiative will allow
12 residents of the District of Columbia to raise
13 the floor for all workers, ensuring that the jobs
14 we create are good ones and that we reward hard
15 work with fair pay.

16 Not only will raising the minimum wage
17 reward hardworking families but also strengthen
18 the economy by ensuring that the jobs we create
19 are good paying ones that will grow the economy
20 through increased consumer spending because when
21 workers earn more they spend more. And that
22 money goes right back into the local economy

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1 helping to generate more business, including new
2 employment opportunities.

3 This is why raising the minimum wage
4 is supported by a majority of residents, workers
5 and even small business owners who know that hard
6 work deserves fair pay and that increased
7 productivity and reduced turnover are just some
8 of the benefits that will result from good wages.

9 According to the Center for Economic
10 & Policy Research, the 13 states that increased
11 their minimum wage in 2014 saw faster job
12 creation than those that did not.

13 Routinely raising the minimum wage is
14 one of the most common measures that voters and
15 legislators have taken to strengthen the economy
16 and the positive results of these actions are
17 overwhelming. The most rigorous research over
18 the past 20 years examining scores with state and
19 local minimum wage increases across the U.S.
20 demonstrate that these increases have raised
21 workers' incomes without reducing employment.

22 The substantial weight of scholarly

1 evidence reflects a significant shift in the
2 views of the economics profession, away from the
3 former view that a higher minimum wage cost jobs.
4 As Bloomberg News summarized in 2012, a wave of
5 new economic research is disproving those
6 arguments about job losses and youth
7 unemployment.

8 Previous studies tended to not control
9 for regional or economic trends that were already
10 affecting employment levels such as
11 manufacturing-dependent states that were shedding
12 jobs. The new research would set micro-level
13 employment patterns for a more accurate
14 employment picture. The studies find minimum wage
15 increases even provided an economic boost, albeit
16 a small one, as workers immediately spent their
17 raises.

18 Similarly, D.C. action that would help
19 our neighbors follow our example would not put us
20 at any economic disadvantage. The most
21 sophisticated of the new wave of minimum wage
22 studies titled "Minimum Wage Effects Across

1 States Borders" was published in 2010 by
2 economists at the University of California in the
3 prestigious review Economics and Statistics
4 Journal.

5 That study carefully analyzed minimum
6 wage impacts from across state borders by
7 comparing employment patterns of more than 250
8 pairs of neighboring counties in the U.S. that
9 had different minimum wage rates between 1990 and
10 2006 as a result of being located in neighboring
11 states with different minimum wages.

12 The study is considered the gold
13 standard of research on the subject and
14 consistent with a long line of similar research
15 has found no difference in job growth rates in
16 the data from the 250 pairs of neighboring
17 counties that were reviewed, and found no
18 evidence that higher minimum wages harms states'
19 competitiveness by pushing businesses across
20 state lines.

21 Some of the opponents of the ballot
22 initiative have argued that the initiative will

1 negatively affect the District economy an
2 indirectly decrease District tax revenues. As
3 outlined above, there's evidence that just the
4 opposite will occur.

5 But to briefly cite the memo that our
6 legal counsel has prepared, the Court of Appeals
7 has never evaluated an initiative's impact on
8 revenue by considering such far removed and
9 indirect data points. Rather where the Court of
10 Appeals has rejected initiatives for negating or
11 limiting a budget request act has only been in
12 circumstances where the proposed initiative would
13 directly impact District revenue by explicitly
14 limiting or eliminating a source of District
15 funds which this initiative does not do.

16 So what will the initiative do? As of
17 today the hourly minimum wage for non tipped
18 workers in D.C. is \$10.50 an hour and is on track
19 to reach \$11.50 by next year. For tipped workers
20 the minimum wage remains frozen at \$2.70 cents an
21 hour but our initiative will eliminate the tip
22 penalty that harms so many workers.

1 The Fair Minimum Wage Act of 2016,
2 when it is enacted, will gradually raise the
3 minimum wage to \$15 dollars an hour for all
4 workers in the following steps: July of 2017 the
5 minimum wage for non-tip workers will increase to
6 \$12.50 and for tipped workers to \$4.50; July 2018
7 the minimum wage will increase to \$11.50 and \$6
8 dollars an hour for tipped workers; July 2019 it
9 will increase to \$14 dollars an hour for non-
10 tipped workers, \$7.50 for tipped workers; July
11 2020 the minimum wage for non-tipped workers will
12 reach \$15 dollars an hour and for tipped workers
13 \$9 dollars an hour. July 2021, the minimum wage
14 will continue to be indexed to the cost of
15 living, resulting in a small increase and the
16 tipped minimum wage will increase \$1.50 cents a
17 year until it catches up with the minimum wage
18 and then that too will be indexed to the cost of
19 living.

20 To summarize, what we are proposing to
21 do is to gradually and steadily increase the
22 minimum wage by extending the same timetable that

1 the Council approved last year and to eliminate
2 the tipped penalty with a modest \$1.50 a year
3 increase.

4 In drafting this initiative we have
5 carefully explored the relevant statutes and case
6 law and we are confident that the proposal is a
7 proper subject for the initiative under D.C. law.
8 Both the attorney general and our legal counsel
9 have reviewed our ballot initiative and concluded
10 that it is legal and proper and does not require
11 the District to appropriate funds, establish any
12 special fund, create an entitlement or directly
13 address or eliminate a source of District
14 revenue, nor does not it negate or eliminate the
15 Council's budgetary authority.

16 For these reasons and more I hope that
17 you will decide in favor of the proposed ballot
18 initiative. Thank you for your time this morning.

19 CHAIRMAN NICHOLS: Thank you. Give me
20 your name again for the record.

21 MR. HANSEN: Matthew Hansen.

22 CHAIRMAN NICHOLS: Mr. Hansen. Are

1 there any questions for Mr. Hansen?

2 BOARD MEMBER DANZANSKY: Yes. Would
3 you address Mr. Jones' contention that there are
4 triggers under the law, including Davis-Bacon and
5 others, that would necessarily do things like
6 require contract extensions, amendments, etc.,
7 and therefore it becomes an appropriation because
8 the Council will be required to meet the new
9 standard? Why isn't that a valid argument? Why
10 isn't that an appropriation?

11 MR. SANDLER: Board Member Danzansky,
12 I'm not sure we completely followed the argument
13 that was made on behalf of the Associated
14 Builders and Contractors, but if we did
15 understand it correctly, you're suggesting that
16 first of all prevailing wages under Davis-Bacon
17 for the vast majority of businesses are way above
18 the minimum wage and would be above this minimum
19 wage.

20 I think he was saying that for certain
21 journeymen and apprentice positions for which the
22 prevailing wage currently is less than \$15

1 dollars, he was referring to a Department of
2 Labor regulation or policy that in no event can
3 it be less than the minimum wage.

4 But the fact is that the minimum wage
5 for those apprentices and journeymen is not going
6 to change under this because they're exempted
7 from this law as the initiative is written. So
8 it can't be the case that the federal
9 government's going to-- it can't be any less
10 than the federal minimum wage which it won't be,
11 and it can't be any less than the applicable
12 District minimum wage with the applicable
13 District minimum wage for these positions,
14 because they're contractors and exempt, are not
15 going to be changed. So we don't believe the
16 point is valid but if we mis-comprehended it then
17 we might want an opportunity to address it.

18 BOARD MEMBER DANZANSKY: You're saying
19 this would not automatically trigger change over
20 the contract--

21 MR. SANDLER: Correct. Because those
22 wages would not have to be raised because there's

1 no change in the minimum wage because these are
2 employees of a District contractor which are
3 exempted from this law in the first instance.

4 BOARD MEMBER DANZANSKY: Would you
5 address another issue and I realize that prior
6 attorneys have approved this legislation as right
7 for an initiative or similar legislation. But
8 then again a foolish consistency is the hobgoblin
9 of small minds so I want to just ask this
10 question.

11 We have a situation where one of the
12 vital elements and functions of a legislative
13 body setting a minimum wage is a big deal. And
14 legislatures are lobbied, they have internal
15 discussions, they have conflicts, but it's a
16 major deal like declaring an emergency or passing
17 a budget. And my question to you is if this is
18 left simply with the initiative process, does
19 this eventually so strip the legislature of a
20 vital function that it would be in violation of
21 the Home Rule Act? It would change the very
22 nature and function of what a legislature is

1 supposed to do.

2 MR. SANDLER: We don't think so, Mr.
3 Danzansky, because again the only subjects that
4 might (inaudible) to initiative and clearly laid
5 out in the statute and the setting of a minimum
6 wage, while it's certainly an important policy
7 matter, there's nothing inherently different
8 about this than lots of other policy matters that
9 those exceptions allow to be moved to the voters
10 for the initiative process.

11 And indeed the arguments that have
12 been made this morning by the opponents as policy
13 arguments, the debate about the economic effects,
14 can appropriately be addressed in the electorate
15 and they can make their decision as they do on
16 other matters about which--

17 BOARD MEMBER DANZANSKY: So you're
18 saying these issues are something that should be
19 argued before the voters, placed before the
20 voters in essentially a political forum with
21 advertisements and all that the political process
22 allows and that the Home Rule Act envision that

1 kind of public discussion?

2 MR. SANDLER: Yes. Given the
3 exemptions to what's a proper subject to
4 initiate.

5 BOARD MEMBER DANZANSKY: I'm looking
6 at the poor people of Greece who this weekend
7 after a week's notice must decided whether to
8 have an economic catastrophe under the EU or
9 under the marketplace and whether they fully
10 understand what it is that they're voting on.
11 But there we are. Okay. Thank you for
12 responding.

13 CHAIRMAN NICHOLS: Thank you. Well,
14 at the conclusion of this meeting we will take
15 the comments under advisement in making a
16 determination of whether the proposed initiative
17 is a proper subject for the ballot, and a
18 decision will be issued as soon as possible in
19 writing. Okay.

20 Mr. McGhie, what is the next item on
21 your list?

22 MR. MCGHIE: The last thing on my

1 agenda is just a litigation status update. The
2 only thing on the standing in court is McMillian
3 v. the Board of Elections and I'm actually
4 familiar with this case. This is the one dealing
5 with the rent is too damn high. This was
6 dismissed in the lower court and the plaintiffs
7 filed an appeal in the U.S. Court of Appeals.

8 They initially missed the filing
9 deadline and the Court granted them an extension
10 to file because the Board had filed a motion to
11 dismiss the matter, and so they finally filed
12 their response to our motion to dismiss on June
13 4th. And so the matter is pending in Court right
14 now.

15 So we're just waiting on a decision
16 for the Court's ruling in the U.S. Court of
17 Appeal on our motion to dismiss. And that would
18 conclude my litigation status update.

19 CHAIRMAN NICHOLS: All right. Are
20 there any questions of Mr. McGhie? We will now
21 move to the report of the Director of Campaign
22 Finance, Ms. Cecily Collier-Montgomery.

1 MS. COLLIER-MONTGOMERY: Yes. Good
2 morning. During the month of June, June 10th was
3 the reporting deadline for the filing of the
4 report of receipts and expenditures by Principal
5 Campaign Committees and Political Action
6 Committees who were active during the special
7 election cycle.

8 We have 77 required filers that
9 represent 32 Principal Campaign Committees and 45
10 Political Action Committees. The total number of
11 timely filers was 59, the total number of
12 extensions requested and granted was 6. The
13 total number of late filers was 1; the total
14 number of failures to file was 16 and the total
15 number of referrals to the Office of the General
16 Counsel totaled 17.

17 Of the timely filers, all 59 of those
18 filers electronically filed their reports of
19 receipts and expenditures and, of course, you
20 know the law has been changed such that
21 electronic filing is mandatory in the District of
22 Columbia.

1 With respect to the referrals to the
2 Office of the General Counsel, 10 of the
3 Principal Campaign Committees were referred for
4 failure to file and 7 of the Political Action
5 Committees were referred as well. And I can
6 list those if you'd like.

7 With the fiscal campaign committees,
8 Bell for Ward 8 was referred. The treasurer is
9 Milton Bell. Whitaker for Ward 4, Robert
10 Whitaker is the treasurer. Edwin for Ward 4,
11 Julius Powell, treasurer. LaRuby May 2015,
12 Monica T. Ray, treasurer. Ward 8 for Muhammad,
13 Anthony Hovington, Treasurer. Abraham for Ward
14 8, Nicole Springs, Treasurer.

15 Ron Williams for Ward 8 City Council,
16 Timothy Lewis, Treasurer. Sheila Bunn for Ward
17 8, Rachel Richards, Treasurer. Kinlow Ward 8
18 Strong, Johnnie N. Ferguson, Treasurer and
19 Fleming 2015, Herbert Smith, Treasurer.

20 The Political Action Committees which
21 we'll refer to the general counsel's office are
22 as follows: Gertrude Stein Democratic Political

1 Account, Jessica Pierce, Treasurer. Campaign
2 Committee for Working Families George Gilbert,
3 Treasurer. D.C. Firefighters Association, Robert
4 Alvarado, Treasurer. Youth Action PAC, Gabrielle
5 Moise, Treasurer. D.C. Latino Caucus Political
6 Action Committee, Gabriela Mossi, Treasurer. D.C.
7 Working Families, D. Morris Michael, Treasurer.
8 HMO Health PAC, David Wilmot, Treasurer.

9 During the month of June on June 24,
10 2015 we had a new initiative committee register
11 with the Agency. The name of the committee is
12 the Public Accountability Safety Standards
13 Initiative Committee.

14 We had one mandatory entrance
15 conference on June 4, 2015. The participants
16 were the Edwin L. Jones, Jr., the Treasurer of
17 the Raise the Wage Initiative Committee and D.
18 Morris Michael the custodian of records for the
19 Raise the Wage Initiative Committee.

20 In our audit branch during the month
21 of June the audit branch conducted 66 desk
22 reviews. With respect to our ongoing audits we

1 have the Gray for Mayor full field audit. With
2 the periodic random audits of our continuing
3 political committees, Morgan for DC. With our
4 periodic random audits for candidates registered
5 for the 2014 election cycle, the Committee to
6 Elect Natalie Williams for Ward 8. Barry for
7 Council and Friends of Leon Andrews.

8 The Inaugural Committee 2015, the D.C.
9 Proud Inaugural Committee.

10 For full field audits of newly elected
11 officials, LaRuby May 2015, the audit
12 notification letter issued on June 18th. For
13 Brandon Todd for Ward 4, the audit notification
14 letter issued on June 18, 2015.

15 During the month of June we issued two
16 audit reports, the Mayor Bowers Constituent
17 Service Fund which was issued on June 18, 2015
18 and the Ruth for Schools which was issued on June
19 24, 2015. With both of the audit reports they
20 are available at our website for review by
21 members of the public and also just to again for
22 the benefit of members of the public, all of the

1 financial reports which have been filed with us,
2 the images of those reports are also available
3 for review at our website. I would ask Mr.
4 Sanford to provide the report of the Office of
5 the General Counsel for the month of June.

6 MR. SANFORD: Good morning, Madam
7 Chairman and distinguished Board Member
8 Danzansky. I'm William Sanford, general counsel
9 for the Office of Campaign Finance.

10 During the month of June 2015 the
11 Office of the General Counsel received 19
12 referrals, 17 of those referrals were from public
13 information and records management division and
14 2 referrals were from the reports analysis and
15 work division.

16 The Office of the General Counsel
17 conducted 6 informal hearings and issued 27
18 orders which include the following:

19 11 orders for failure to timely file
20 in which no fines were imposed; 3 orders for
21 failure to timely respond to a request for
22 additional information for which no fines were

1 imposed; 9 orders for failure to timely file in
2 which fines totaling \$15,200 dollars were
3 imposed; 2 motions for reconsideration in which
4 fines were rescinded and two motions for
5 reconsideration which were denied.

6 During the month of June 2015, the
7 Office of Campaign Finance imposed fines against
8 the following respondents:

9 Vonetta Dumas, ANC candidate, \$200
10 dollars; Darrell Gaston, ANC candidate was fined
11 \$2,000 dollars; Walter Garcia, ANC candidate was
12 fined \$2,000 dollars; Christy Love Davis, ANC
13 candidate was fine \$2,000 dollars; Milton Bell
14 for Ward 8 Council was fined \$2,000 dollars;
15 Robert Whitaker for Ward 4 Council was fined
16 \$2,000 dollars; Ward 6 Democrats was fined \$2,000
17 dollars; Committee to Elect Khalid Pitts was
18 fined \$2,000 dollars and the Gertrude Stein
19 Democratic PAC was fined \$1,000 dollars.

20 During the month of June 2015 the
21 Office of Campaign Finance collected \$750 dollars
22 in fines. They included \$500 dollars in fines

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1 that were paid by the Libertarian Party and a
2 \$200 dollar (sic) installment payment by Tarek
3 Stevens.

4 During the month of June 2015, the
5 Office of the General Counsel carried 7 open
6 investigations and no new investigations were
7 initiated.

8 During the month of June the Office
9 did not receive any requests for interpretative
10 opinions and no show cause proceedings were
11 conducted. And that's my report.

12 CHAIRMAN NICHOLS: Are there any
13 questions of Mr. Sanford or Ms. Collier-
14 Montgomery? All right. Hearing none, are
15 there any public matters to be brought before the
16 Board this morning? Hearing none and there
17 being no further business before us, this meeting
18 is hereby adjourned. The time is 11:39 a.m. and
19 it is still Wednesday, July 1, 2015.

20 (Whereupon, the Regular Meeting of the
21 Board of Elections on Wednesday, July 1, 2015 was
22 concluded and went off the record at 11:39 a.m.)

A

\$1 35:17
\$1,000 61:19
\$1,426.80 6:15
\$1.50 48:16 49:2
\$10.50 40:17 47:18
\$11.50 47:19 48:7
\$12.50 48:6
\$13.28 17:13
\$14 48:9
\$15 13:15 17:12 34:9,12
34:16 36:7,10,14,19
36:20 40:13,21 42:6
48:3,12 50:22
\$15,200 61:2
\$2,000 61:11,12,13,14
61:16,16,18
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Regular Board Meeting

Before: DC BOE

Date: 07-01-15

Place: Washington, DC

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Neal R. Gross

Court Reporter

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