



April 30, 2024

Cecily Collier-Montgomery  
Director of Campaign Finance  
Office of Campaign Finance  
1015 Half Street, SE, Suite 775  
Washington, DC 20003

Dear Director Collier-Montgomery:

I write as the Chair of Neighbors United for Ward 6 to respectfully request that the Office of Campaign Finance promptly: (1) investigate the potential violations of the District's campaign finance laws described below and (2) accelerate the agency's review of improperly filed campaign finance filings.

Rigorous enforcement of the District's campaign finance laws ensures that the public can have confidence in transparent, safe, and secure elections. This is particularly important in a campaign with an incredibly short timeline and only three required disclosure filings, two of which are seven months apart, and the last of which is only two weeks before the last day for the recall committee to submit signatures to qualify for ballot access.

Committee to Recall Charles Allen

First, with respect to the Committee to Recall Charles Allen ("Committee"), I request that your office accelerate its audit of and pursue enforcement action for the Committee's woefully deficient Report of Receipts and Expenditures filed on February 6, 2024 - now twelve weeks ago. District law requires that the "full name and *mailing address, including the occupation, employer, and the principal place of business*, if any, of each person who has made one or more contributions to or for a

committee or candidate [...] in excess of \$50” to be disclosed.<sup>1</sup> Based on my review of the Committee’s February 6, 2024 filing, there are 149 out of 402 individual contributions that are noncompliant with the District’s campaign finance laws – this means that more than 37% of the contributions disclosed in this filing are missing critical, legally required information. These 149 individual contributions either include incorrect names or completely fail to disclose the contributor’s employer or mailing address.

The law requires information about contributors for a reason: it sheds light on the origins of and influence behind a campaign. For example, it can indicate the influence of lobbyists, special interest groups, or monied corporations in local elections. By contrast, our campaign requires occupation and employer as mandatory fields on our contribution forms, and we then review them all to reach out to any donors who could have been more specific in their entries.

As of today’s date, my understanding is that the Committee has yet to file an amended report with the Office of Campaign Finance - or at least, it is not public. While I generally agree with the Office of Campaign Finance’s desire to ensure that political committees - especially inexperienced committees - have a reasonable opportunity to correct harmless errors, rather than enforce against de minimis violations, the Committee has now had nearly three months to submit an amended report to its deficient filing, this campaign is almost half over, the public cannot see information about more than a third of the Committee’s donors, and the next filing date is July 31 – less than two weeks before the Committee must submit its signatures to the Board of Elections. This does two things: first, it keeps the public in the dark. Second, it tells other committees that there is no consequence for not submitting accurate or complete information, and you can hide the source of your campaign funds. Setting aside the question of whether such a deficient filing should even have been accepted, further delay is not only unwarranted, it jeopardizes the transparency and security of the District’s elections. If the same poor-quality reporting is accepted for the Committee’s July 31 filing, the public will not have any insight into the sources of at least twice as much money as this filing - secured to unseat a lawfully-elected public official.

Second, the Committee has greatly benefited from the yet-undisclosed, in-kind contributions from Tonya Fulkerson, a national Democratic fundraiser. In the beginning of the Committee’s fundraising, Ms. Fulkerson fundraised using her

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<sup>1</sup> D.C. Official Code § 1-1163.09(c)(2) (emphasis added).

official fundraising firm email address, and I am concerned that she used solicitation lists developed in her professional capacity with Fulkerson, Kennedy, & Co. To my knowledge, neither her services nor the use of any lists have been disclosed as contributions - surely in excess of the contribution limit, and all contributions received from the fruit of those efforts should be returned to the contributors. **Attachment A** to this letter provides a sufficient basis to further investigate Ms. Fulkerson's activities and the Committee's failure to disclose them.

### DC Neighborhood Alliance

It is my understanding that some of the donors to the Committee have formed a separate independent expenditure committee, the DC Neighborhood Alliance ("Alliance"). The Alliance filed its statement of organization with the Office of Campaign Finance on April 3, 2024. As I'm sure you are aware, the Committee is prohibited from accepting more than \$500 in contributions from a contributor.<sup>2</sup> A contribution is defined as "[a] gift . . . deposit of money or anything of value (including contributions in cash or in kind), made for the purposes of financing, directly or indirectly . . . [a]ny operations of a political committee, political action committee, or independent expenditure committee; or the campaign to obtain signatures on any . . . recall . . ."<sup>3</sup> Furthermore, independent expenditure committees are not permitted to contribute - directly or in-kind - to political committees.<sup>4</sup>

I am aware that the Alliance has paid for digital advertising to promote the recall and the campaign to obtain signatures. While on its face, this would be an acceptable independent expenditure, the digital ads feature a "learn more" link that directs one to the *Committee's*, not the Alliance's, campaign website. This is unequivocally an impermissible in-kind contribution from the Alliance to the Committee. I request that the Office of Campaign Finance immediately investigate the improper coordination between the two entities and pursue enforcement action for this violation of the District's campaign finance laws. See **Attachment B** to this letter. In addition, this political advertising fails to list the independent expenditure committee's address and - if applicable, based on the Alliance's contributions received, to date - its top contributors, in violation of the District's campaign finance laws.<sup>5</sup>

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<sup>2</sup> See *id.* § 1-1163.33(a)(5).

<sup>3</sup> *Id.* § 1-1161.01(10A)(i)(II), (III).

<sup>4</sup> See *id.* § 1-1161.01(28B)(C).

<sup>5</sup> *Id.* § 1-1163.15(a)(2).

Additionally, as the above paragraph demonstrates, I am generally concerned that the creation of the Alliance is intended to evade the contribution limits imposed on the Committee and that there is illegal coordination between both entities. As further example, I am aware that individuals who receive emails *from the Committee* are now receiving unsolicited emails from Ms. Fulkerson fundraising on behalf of (and using the letterhead of) *the Alliance*. I request an investigation into this illegal list sharing and coordination between a political committee and an independent expenditure committee. See **Attachment C** to this letter.

#### Fraternal Order of Police Metropolitan Police Department Labor Committee

Lastly, with respect to the Fraternal Order of Police Metropolitan Police Department Labor Committee (“FOP”), I request that your office initiate an investigation and pursue enforcement action against the FOP for its failure to file a statement of organization as a political action committee or an independent expenditure committee, submit financial reports detailing its contributions and expenditures, and, if an independent expenditure committee, comply with political advertising disclosure requirements, including to disclose its top five contributors.

A political action or independent expenditure committee is required to file a statement of organization within ten days after its organization.<sup>6</sup> An independent expenditure committee is organized for the purposes of making an “independent expenditure”, which is defined as “an expenditure that is made for the purpose of promoting or opposing [...] any initiative, referendum, or recall.”<sup>7</sup> An independent expenditure committee is required to include “a written statement of the words ‘Top 5 Contributors’, followed by a list of the top 5 largest contributors over the amount of \$5,000 . . .”<sup>8</sup> These requirements were created to ensure transparency behind campaign contributions, and particularly, those for which there are no contribution limitations.

The FOP has the legal right to express its position on issues of public concern or to wade into political campaigns, including a recall campaign. However, depending on the purpose behind and nature of its expenditures, it must register as a political committee. Attachments D and E to this letter demonstrate that the FOP has paid for a truck with digital signage in - to my knowledge - only Ward 6, only during the

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<sup>6</sup> *Id.* § 1-1163.07(b).

<sup>7</sup> *Id.* § 1-1161.01(28A)(A).

<sup>8</sup> *Id.* § 1-1163.15(a)(2).

signature collection period for a recall campaign (often at specific locations where signature collection is underway like Eastern Market, the H Street NE corridor, and the Southwest Safeway), using the name and likeness of the elected official subject to the recall, and failing to include the required disclosure information.

Simultaneously, the DC Police Union Twitter account and the account of its Chair regularly tweet specifically in support of the recall campaign (and, as an aside and potential Hatch Act violation, often during the workday). Again, while I disagree with the FOP's support for the recall campaign and the claims in its political advertising, I am objecting to, ironically, the lack of adherence to District campaign finance law governing political committee registration and disclosure, not the content of its speech.

I look forward to a speedy resolution of the campaign finance violations detailed in this letter.

Respectfully,

Tommy Wells  
Chair, Neighbors United for Ward 6

## Attachment A

**From:** Tonya <tonya@fkandcompany.com>

**Sent:** Monday, January 29, 2024 10:48 AM

**To:** Raymond, Joshua P. <JRaymond@Venable.com>

**Subject:** [GRAYMAIL]Recall in DC!

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**Caution: External Email**

Hi Friends,

Washington DC, the city we love and live and/or work in, is on a dangerous path back to our dangerous past.

While crime is falling in every other major city, DC's crime crisis is out of control. DC police force staffing is at a 50-year low. Car jackings, robberies and murders are surging. Bodies and victims are piling up, with alarmingly few consequences for repeat violent offenders.

Small shopkeepers and store owners are abandoning the city in droves because of repeated break-ins; chain stores are closing in already underserved neighborhoods due to organized retail theft; and the Caps and the Wizards are fleeing Chinatown for Virginia. All of the progress our great city has made over the last 20 years is at risk.

Councilman Charles Allen is the architect of the policies directly responsible for DC's crime crisis. That's why I am supporting an effort to recall Ward 6 City Councilman Charles Allen.

Please consider joining our movement by [DONATING HERE](#).

This affects all residents in DC and in the DMV, no matter where you live. I hope that you will consider joining me to not only recall Charles Allen, but to send a signal to the entire City Hall - enough is enough.

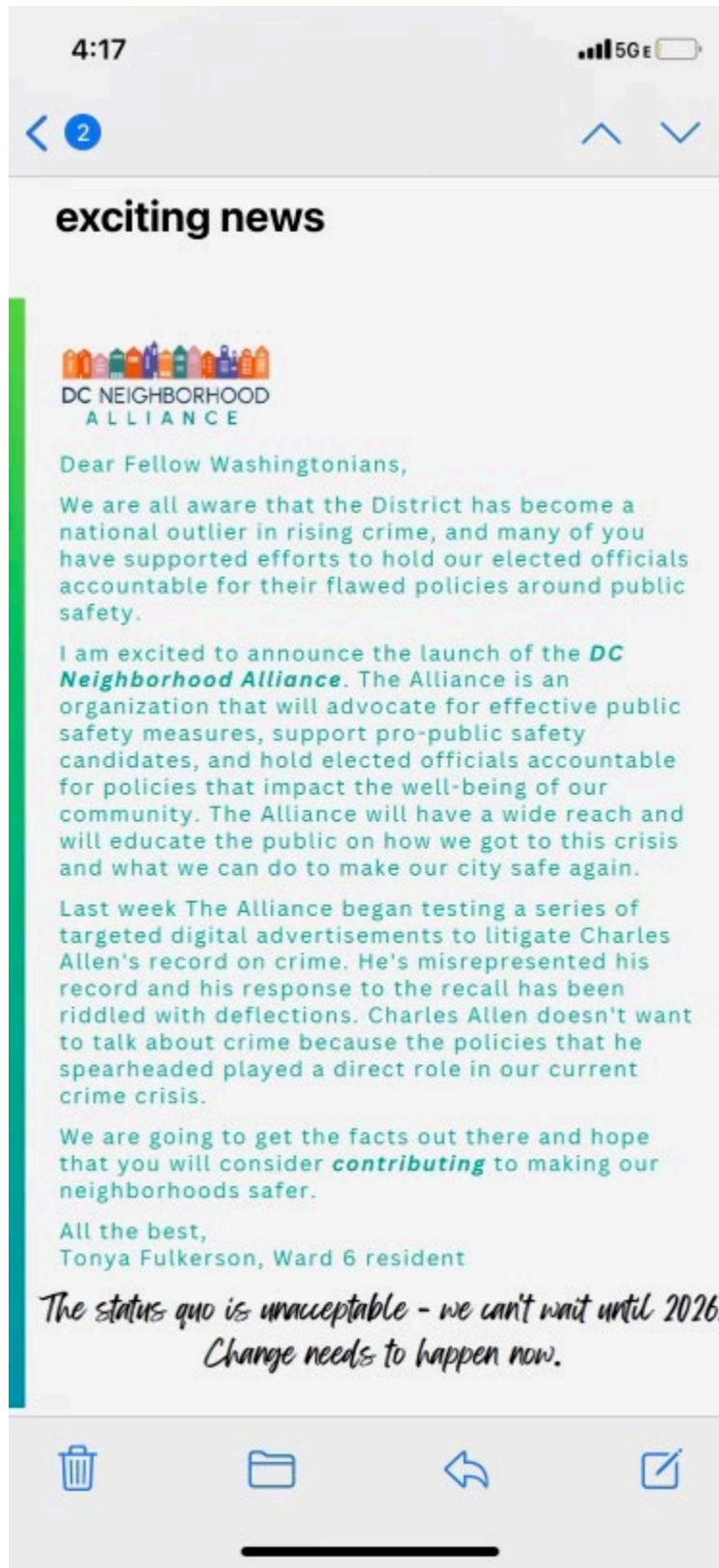


Attachment B



**URL link:** [7](https://insight.adsrvr.org/track/clk?imp=407f07dd-6af8-4b42-97f2-bce652de8f51&ag=taqn15w&sfe=1860ed73&sig=DVtBVrDxku0W8Exx2F9JO4Dq7ZVN8Vpq2JUkdHiG5Nc.&cr id=y9qewtftp&cf=6635348&fq=0&t=1&td_s=www.washingtonpost.com&rcats=&mste=www.washingtonpost.com &mflid=4&mssi=&mfsi=&sv=medianet&uhow=88&agsa=&wp=2.926&rgz=20019&dt=PC&osf=Windows&os=Wi ndows10&br=Chrome&svpid=8CUMLVX34&rlangs=01&mlang=&did=&rcxt=Other&tmpc=22.2400000000001 &vrtid=&osi=&osv=&daid=&dnr=0&vpb=&c=Cg1Vbml0ZWQgU3RhdGVzEhREaXN0cmljdCBvZiBDb2x1bWJpY RoDNTExIgpXYXNoaW5ndG9uOAFQC4ABAYgBAZABAbABALoBBQjKBRgGkgIzLzcvMS93cG5pLnBvbG10a WNzL2VsZWN0aW9ucy9mcm9udC9zbHVnX2lubGluZV9iYl832AKIDuACiA74AgGAAwGIAwKQAwGYAwC4A_rMBMIDFOnK-uwWR73K8YdVdV86Or-nJUAJmgQHbTJueTR4OQ..&dur=CiMKDmNoYXJnZS1hbGwtMTIyIhEIhv_ARIEaWF2MgoiCgd3aH VmbTIwENWuASITCP6M2Z8BEgtsZHM0NXNreWRlbtwotCgdtNmMybmsxEMn1DCIOCJ6InaYBEgZsMmRh dGEiDgiU-aCmARIGbDJkYXRhCj4KIWNoYXJnZS1tYXhEb3VibGVWZXJpZnlCcmFuZFNhZmV0eSIZCPH_wE SDGRvdWJsZXZlcmImeRDVrgEvMVhZMzAwN1RReEtMSUdpa2szZVo1U0F3RmU2UHZrb2J6RG5Xd3psQVJ McUtjT1RDVkU4BA..&durs=rnZw7z&crrelr=&npt=&bdc=71&idl=XY3007TQxKLIgikk3eZ5SAwFe6PvkobzDn WwzLRLqKcOTCVE&mk=Google&mdl=Chrome%20-%20Windows&testid=1ba%7Cdarn%7Ciavc%20&fpa=488&pcm=3&ict=Unknown&said=326148382106_132626 9444_6582476282461&auct=1&tail=1&r=https://www.recallcharlesallen.com/</a></p></div><div data-bbox=)

Attachment C





Attachment D





Attachment E

**Upset about rampant crime on the Hill?**

Homicide	↑ 35%
Carjacking	↑ 103%
Robbery	↑ 67%
Violent Crime	↑ 39%
Car Theft	↑ 82%
All Crimes	↑ 26%

\*2023 Crime Stats



**Thank Charles Allen**  
&  
**the D.C. Council**

Paid for by The Fraternal Order of Police Metropolitan Police Department Labor Committee.  
1524 Pennsylvania Ave, SE, Washington, DC 20003. Treasurer: Marinos