

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In Re: Janeese for DC

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Docket No. OCF FI 2026-007

REQUEST FOR HEARING DE NOVO

Safe and Affordable DC (the “Committee”) respectfully requests, pursuant to 3 D.C.M.R. Sections 3709.11 and 3709.12, that the Board of Elections (the “Board”) review and vacate the Office of Campaign Finance’s (“OCF”) June 12, 2026 Order (the “Order”)¹ imposing a \$4,000 fine against the Committee in the above-captioned matter for an alleged violation of 3 D.C.M.R. Section 3711.2(m) on both procedural and substantive grounds. OCF denied reconsideration of the Order on June 23.

Procedurally, the fine is unlawful because the Board’s regulations only permit OCF to impose a fine *after* conducting either a “Full Investigation” or an “Informal Hearing,” neither of which happened here. As detailed below, OCF never complied with the requirement that it find reasonable cause of a potential violation and notify the Committee that it had begun a Full Investigation. Even though the Committee repeatedly—and over many pages—raised the Board’s procedural requirements for investigations to OCF, the Order did not substantively address OCF’s errors. And when the Committee again raised OCF’s procedural errors in its Motion for Reconsideration, OCF falsely claimed in its Order Denying Reconsideration that the Committee never “questioned the category in which the investigation was assigned at any time during the process.” This demonstrably false statement raises the question whether OCF staff *even read the Committee’s filings*. OCF’s Order Denying Reconsideration also primarily relies on and quotes from an email purporting to provide notice of a “Full Investigation” *that the Committee never received*. No such notice was ever provided. In sum, the Board should vacate Order because OCF violated the Board’s procedures for conducting investigations, significantly prejudicing the Committee.

If the Board does not vacate the Order on procedural grounds, then it should do so on substantive grounds, as OCF provided *no factual basis* for the Order’s conclusion that the

¹See D.C Bd. of Elections, Office of Campaign Finance, Order, June 12, 2026, *available at* https://ocf.dc.gov/sites/default/files/dc/sites/ocf/release_content/attachments/Janeese.Lewis_.George.Mayoral.%20Investigation.Final_Order%2006-12-26.pdf.

Committee coordinated with Janeese for DC. Indeed, the Order *does not even attempt to apply specific facts to* the applicable statutory and regulatory provisions concerning coordination. OCF instead imposed a fine based on a determination “grounded in a presumption of coordination based upon a preponderance of the evidence and the totality of the circumstances” and “based upon the vast accumulation of circumstantial evidence.”² OCF’s vague and conclusory statements do not reflect either *evidence* of coordination or facts that prompt a rebuttable presumption of coordination.

Had OCF followed the Board’s regulations regarding investigations, respected the Committee’s due process rights, and conducted a “Full Investigation” it could have easily determined that many of the assumptions it included in the Order—including that the UNITE HERE, Local 25, and Local 23 Firewall Policy for 2026 District of Columbia Elections (the “Firewall Policy”) “lacks training, monitoring, enforcement, physical separation, digital separation, staff certifications, and timestamped implementation” and that it “is not credible, not enforced, and not capable of preventing information flow”³—were inaccurate. As such, if the Board does not vacate the Order against the Committee on procedural grounds, the Committee will demonstrate on substantive grounds that the Firewall Policy was circulated and adopted before the Committee organized; that individuals subject to the Firewall Policy signed an acknowledgement that they understood and would comply with it; that Local 25 provided training to individuals who were subject to the Firewall Policy; that the Firewall Policy was implemented and strictly enforced throughout the duration of the primary election; and that, most critically, no circumstances existed that either established coordination or a rebuttable presumption of coordination as defined by District of Columbia law.

Finally, the Committee contends that OCF’s decision to release the Order on a Friday night, less than 4 days prior to one of the most consequential elections in the District of Columbia’s recent history was—respectfully—outrageous. The Order’s timing deprived the Committee from having a meaningful opportunity to substantively respond, as well as the Board from having a meaningful opportunity to review OCF’s decision, prior to the election. It also injected OCF’s decision directly into a hotly-contested election, causing turmoil. While the public has a significant interest in ensuring that the District of Columbia’s campaign finance laws are enforced and that there is transparency prior to elections about potential violations, when potentially election-alerting orders are released with no reasonable avenue for review prior to the election, it should expect that OCF has followed appropriate procedures, conducted a thorough investigation, and applied the facts to the law before issuing that order. Here, however, OCF did not conduct the diligent, thorough, pressing investigation that was demanded, at least with respect to the Committee. After the Committee responded to the Complaint on May 1, the Committee did not hear from OCF *until almost 4 weeks later*, on May 26—one day before the

² Order at 34.

³ *Id.* at 35.

expiration of the 30-day period from the commencement of the Preliminary Investigation within which the Director must “determine that a full investigation is necessary,”⁴ following the Director’s “finding of reasonable cause” followed by “notice to the respondent that a full investigation has commenced.”⁵ A diligent investigation would have immediately contacted the Committee after May 1 to gather additional information so that OCF had time to ask follow-up questions and be certain about its conclusions. Moreover, the questions OCF belatedly posed on May 26 were not addressed to any specific person supporting the Committee’s activities, confusingly phrased, replete with typos, and unnumbered; and, many of the questions *did not even apply* to the Committee, and appear to have been meant for other recipients.

Compounding these issues, this is not the first time that OCF has released an order immediately prior to an election. In 2022, it issued an order against candidate Elissa Silverman only 12 days before that hotly-contested election (also against Kenyon McDuffie).⁶ While the Board ultimately overturned OCF’s order post-election, Ms. Silverman lost—potentially due to the order—and aptly stated after the Board’s decision: “This ruling has importance beyond me and this campaign: it makes clear that OCF should not be making hasty rulings this close to an election, with no opportunity to appeal on the merits before Election Day.”⁷ Even though the present Order did not prevent the Committee’s favored candidate from winning, the Committee fully agrees with Ms. Silverman’s statement, given the importance of upholding the integrity of the District of Columbia’s campaign finance enforcement process.

For the preceding reasons, the Committee respectfully requests that the Board vacate the Order and help rectify the substantial and ongoing harm to the Committee’s reputation and the public’s trust in the District of Columbia’s campaign finance enforcement process.

I. Background

a. The Complaint and the Committee’s Response

On April 27, 2026, OCF’s General Counsel sent the Committee’s Treasurer an email with the subject “Complaint and Request for an Investigation.”⁸ The email said, in full:

Good afternoon,

⁴ 3 D.C.M.R. § 3703.4.

⁵ *Id.* § 3704.1.

⁶ See “D.C. elections board: Silverman’s poll did not break campaign finance law,” Washington Post, Dec. 12, 2022, available at <https://www.washingtonpost.com/dc-md-vi/2022/12/12/dc-silverman-elections-board-reversal/>.

⁷ *Id.*

⁸ See Exhibit A.

The Office of Campaign Finance has acknowledged receipt of the attached Complaint and Request for Investigations which was received on April 24, 2026.

Accordingly, the Office of Campaign Finance (OCF) has commenced an investigation to determine whether any violations of the Campaign Finance Act have occurred.

Pursuant to the receipt of the allegations, you may provide the responses you deem appropriate.

However, as in all inquiries of this nature, the details of OCF's activity regarding this matter will remain confidential until completion of the investigation.

If you have any questions, please contact me via this email address or at (202) 671-0549. To avoid any misunderstanding, OCF request [sic] that you provide your response(s) to the allegations on or before Friday, May 1, 2026. Any responses you submit regarding this matter should include Docket Number OCF FI 2026-007.

Thank you for your cooperation.⁹

The Complaint attached to the General Counsel's email is dated April 21, 2026—not April 24 as indicated in the General Counsel's email. The Order states that “on or about April 21, 2026, the Complaint was filed....”¹⁰

On May 1, the Committee's Treasurer submitted a Response to the Complaint (the “Response”).¹¹ The first sentence in the Response stated:

I write in response to Kevin Sobkoviak's complaint (the “Complaint”) against Safe and Affordable DC (the “Committee”), which you emailed to the Committee on April 27, 2026, and into which the Office of Campaign Finance (“OCF”) **has opened a preliminary investigation.**¹²

The Response further stated:

As detailed below, the Complaint's allegations against the Committee are baseless. Indeed, the Complaint does not allege *any* facts that demonstrate

⁹ *Id.*

¹⁰ Order at 1.

¹¹ *See* Exhibit B.

¹² *Id.* at 1 (emphasis added).

coordination. Rather, Mr. Sobkoviak takes facts that in themselves do not meet the District of Columbia’s coordination standard and either speculates that there was coordination or conclusorily asserts that it occurred. Additionally, it appears that Mr. Sobkoviak distributed the Complaint to news media prior to the Committee receiving the Complaint in order to exact political and reputational harm against the Committee, Janeese Lewis George’s campaign, and the unions supporting her campaign. And, as we next explain, there was no coordination in fact.

The Committee has not coordinated with Janeese Lewis George and her candidate committee, Janeese for DC (collectively “Janeese for DC”), **and OCF should therefore determine that there is no reasonable cause to commence a full investigation and close its preliminary investigation into the Committee.**¹³

On May 4, OCF’s General Counsel sent the Committee’s Treasurer an email entitled “Supplement to Docket Number OCF FI 2026-07” that forwarded, without comment, a May 1 email from the complainant.¹⁴

b. The Committee Contacts OCF on May 5 Regarding OCF’s Violations of Confidentiality Requirements Concerning Investigations

After seeing press reports about the investigation quoting OCF staff, the Committee’s Treasurer sent OCF’s Director and General Counsel a letter on May 5 detailing the Board’s confidentiality requirements regarding investigations and how OCF had breached those requirements. The letter stated:

As detailed below, an OCF employee, Mr. Wesley Williams, has provided confidential information to the press about [the initiation of] OCF’s investigation into the Committee, in violation of OCF’s own regulations, and an unknown OCF source evidently did so separately as well. This directly prejudices the Committee and calls into question both OCF’s impartiality and adherence otherwise to its procedural rules with respect to this matter. We do not send this letter lightly but believe the breach is clear.¹⁵

Given these confidentiality concerns and lingering worry about how OCF handled its 2022 investigation regarding Ms. Silverman’s campaign, the Committee sought to ensure that OCF would follow the Board’s regulatory requirement that “[i]nvestigations shall be conducted fairly

¹³ *Id.* at 1 (emphasis added).

¹⁴ *See* Exhibit C.

¹⁵ *See* Exhibit D at 1.

and professionally, and in a manner that protects the rights and reputations of public employees and officials.”¹⁶ As such, the Committee:

respectfully request[ed] that OCF take appropriate steps to address the violations detailed here, including: determining how [a reporter] learned of OCF’s actions; identifying, reviewing, and, if possible, rectifying all OCF contacts with news media and others in the public, including the complainant, about this entire matter; and taking other appropriate steps to ensure that OCF staff comply with the applicable confidentiality requirements. Further, if OCF becomes aware of any other violations of the confidentiality regulations, the Committee respectfully requests that OCF immediately notify us, so that the Committee may take appropriate action to protect its reputation and ensure it is subject to a fair process.

Id. at 3. OCF neither acknowledged nor responded to the Committee’s letter.

c. OCF’s May 26 Questions and the Committee’s Response

Despite the high-stakes, time-sensitive nature of the investigation, the Committee next heard from OCF *almost 4 weeks later* on May 26, when OCF’s General Counsel sent the Committee’s Treasurer a brief email with the subject “Janeese for DC OCF FI 2026-007” that stated in full:

Good afternoon,

The attached questions are submitted in connection with the above referenced [sic] investigation.

Please provide responses by Thursday May 28, 2026.

Thank you for your cooperation.¹⁷

The attachment included 56 “Questions for Witnesses.” It did not detail *who* was a “witness”; rather, it just stated that “[t]he following are questions for the witnesses in the Janeese For DC investigations.”¹⁸ The attachment also contained numerous typos, oddly phrased questions, and questions that appeared to be directed to other entities. Counsel for the Committee emailed OCF’s General Counsel on May 28, stating that it was fully committed to cooperating with OCF,

¹⁶ 3 D.C.M.R. § 3700.2.

¹⁷ See Exhibit E.

¹⁸ *Id.* at 1.

was working to prepare appropriate and accurate responses, and would aim to respond further the following week, which it did on June 6.¹⁹ The Committee’s response reiterated the Board’s procedural requirements for investigations, detailed how OCF had failed to comply with those procedures and open a Full Investigation within the required 30-day window, explained how OCF’s compliance with the Board’s regulations is essential to protecting due process and the integrity of investigations, and requested that OCF notify it in writing that the investigation into the Committee has ended and that OCF has dismissed the Complaint against the Committee.²⁰ Additionally—while preserving all of its legal rights—the Committee chose to voluntarily respond to OCF’s questions, as the Complaint’s allegations are baseless. OCF never acknowledged or responded to the Committee’s submission.

d. OCF’s Order

The Committee next heard from OCF on Friday, June 12 at 7:53pm—*less than 4 days before the primary election*—when OCF’s General Counsel emailed the Order, without comment, to the Committee’s counsel.²¹

The Order summarized the Committee’s procedural arguments,²² but did not substantively address them. Instead, OCF—without explaining how it had conducted a lawful Full Investigation—fined the Committee \$4,000 “for a violation of 3 DCMR Section 3700(m) – Making a contribution in excess of contribution limitations.”²³ The Board’s regulations do not contain a “Section 3700(m),” so the Committee understood the fine to be assessed for an alleged violation of Section 3700.2(m). The Order also concluded that a violation occurred *without actually applying any specific facts to the applicable statutory and regulatory provisions* concerning “coordination” between a candidate and an independent expenditure committee.

Given how slowly OCF conducted its investigation, the Committee thought it likely that OCF would conclude this matter after the June 16 election, so as to not to appear to be interfering in a high-profile election. Instead, the Committee received the Order on a Friday night, less than 4 days prior to the primary election, leaving it with no meaningful opportunity to substantively respond. The Order’s timing was—respectfully—outrageous.

¹⁹ See Exhibit F.

²⁰ *Id.*

²¹ See Exhibit G. The General Counsel tried to email the Order at 5:52pm, but misspelled counsel’s email address. *Id.*

²² Order at 18-19

²³ *Id.* at 39.

e. The Committee's Motion for Reconsideration

On June 17, the Committee timely filed a Motion for Reconsideration of the Order (the “Motion”).²⁴ The Motion again detailed how OCF had violated the Board’s procedures for conducting investigations and explained how the 30-day period to determine whether it would conduct a Full Investigation had passed.²⁵ The Motion also explained how the fine was unlawful because OCF may only impose fines either after conducting a Full Investigation or holding an Informal Hearing, neither of which happened.²⁶ Finally, the Motion explained how OCF’s violation of the Board’s procedures unlawfully circumscribed the investigatory process, causing prejudice and irreparable harm to the Committee, and leading to OCF issuing an Order based on “presumptions” of the underlying facts. Indeed, the Committee noted that had OCF followed its procedures for investigations, the Committee would have been able to demonstrate that many of OCF’s presumptions were baseless.²⁷ The Committee opted to file the Motion for Reconsideration—rather than immediately seeking the Board’s *de novo* review—to allow OCF an opportunity to “acknowledge OCF’s errors, vacate the Order, and help rectify the substantial and ongoing harm to the Committee’s reputation and the public’s trust in the District of Columbia’s campaign finance enforcement process.”²⁸

Instead of taking that opportunity, on June 23 OCF issued an Order in Response to a Motion for Reconsideration denying the Motion (“Order Denying Reconsideration”).²⁹ The Order Denying Reconsideration rejected the Committee’s argument that OCF had only conducted a Preliminary Investigation into the Committee and Not a Full Investigation, asserting that:

When OCF notified the Committee of the original complaint and provided a copy on April 24, 2026, the Committee was advised that “the complaint has been accepted and an Investigation has been opened... you may submit the responses you deem appropriate...If you have any question [sic] please contact me...” Safe and Affordable’s treasurer Kelsey Garnatz provided written responses to the allegations on May 1, 2026, and attached a Document which was identified as “Firewall Policy”. Counsel provided written responses to the questions OCF transmitted on June 6, 2026. Neither Counsel nor Garnatz questioned the category in which the investigation was assigned at any time during the process. OCF Investigations are conducted in accordance with Title 3 of the District of Columbia Municipal Regulation (3DCMR).

²⁴ See Exhibit H.

²⁵ *Id.* at 1-3.

²⁶ *Id.* at 3-4.

²⁷ *Id.* at 4-6.

²⁸ *Id.* at 6.

²⁹ See Exhibit I.

3 DCMR § 3700 provides in pertinent part that:

- 3700.3 Investigations shall be identified as one (1) of the following:
- (a) Internal Inquiry;
 - (b) Preliminary Investigation; or
 - (b) Full Investigation

From the beginning the investigation was identified as a Full Investigation. The FI in the Docket Number OCF FI 2026-007 denotes Full Investigation and clearly Identifies [sic] the category in which the Investigation [sic] has been assigned.³⁰

OCF also stated:

On May 4, 2026, OCF ... advised the Board of Elections that the complaint had been accepted and a Full Investigation had commenced. OCF also included the information in its presentation during the scheduled Board of Elections Monthly Meeting on May 6, 2026. After notifying the Committee of the investigation OCF transmitted questions to the Individuals [sic] who had been identified in the complaint as possible witnesses or participants in the alleged improper activity.³¹

Finally, it provided that “This Order may be appealed to the Board of Elections within 15 days from the date of issuance.”³²

II. OCF Violated the Board’s Procedures for Conducting Investigations, Violating the Committee’s Due Process Rights and Causing it Irreparable Harm

a. District of Columbia Law Prescribes Specific Procedures for Investigations

District of Columbia law authorizes OCF’s Director of Campaign Finance (the “Director”) to investigate potential campaign violations “under regulations approved by the Campaign Finance Board.”³³ The Board, in turn, adopted regulations detailing the procedures that the Director must follow when conducting investigations: “The provisions of this chapter shall establish the procedures for the conduct of all investigations by the Director of Campaign Finance (Director), and/or his or her designee, of alleged violations of Title III of the Board of

³⁰ *Id.* at. 5-6.

³¹ *Id.* at 3.

³² *Id.* at 8.

³³ D.C. Code § 1-1163.3.

Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011.”³⁴

The regulations provide that “[a]n investigation may commence upon ... the filing of a complaint in writing with the Director,”³⁵ and that investigations “shall be identified” as one of the following:

- Internal Inquiry;
- Preliminary Investigation; or
- Full Investigation.³⁶

The regulations further detail procedural requirements for each type of investigation.³⁷

The Director may initiate an internal inquiry through either information obtained through the media or documents filed with OCF.³⁸ Within a reasonable time after starting an internal inquiry, the Director “shall determine whether to initiate a preliminary investigation.”³⁹

A Preliminary Investigation “shall entail an inquiry by the Director to determine whether there is reasonable cause to believe a violation has occurred.”⁴⁰ Such an investigation may, as relevant here, be initiated by a Complaint.⁴¹ Preliminary investigations “shall be strictly investigatory, non-adversarial, and non-adjudicatory.”⁴² Further, “[w]ithin ten (10) days after initiation of a preliminary investigation, the Director shall notify, in writing, the person (respondent) who is the subject of the preliminary investigation.”⁴³ Such notice shall consist of: a copy of the Complaint; an “explanation of the existence of the investigation and the general nature of the alleged violation”; and “[a]n offer to the subject affording the opportunity to respond to the allegation(s).”⁴⁴

A Full Investigation “shall commence upon a finding of reasonable cause by the Director and notice to the respondent that a full investigation has commenced.”⁴⁵ Unless the Board grants it an extension, OCF must complete its investigation within ninety days of the filing of a complaint.⁴⁶

³⁴ 3 D.C.M.R. § 3700.01

³⁵ *Id.* § 3701.1.

³⁶ *Id.* § 3700.3.

³⁷ *See id.* §§ 3702 (internal inquiries), 3703 (preliminary investigations) and 3704 (full investigations).

³⁸ *Id.* § 3702.2.

³⁹ *Id.* § 3700.3.

⁴⁰ *Id.* § 3703.1.

⁴¹ *Id.* § 3703.2.

⁴² *Id.* § 3703.3.

⁴³ *Id.* § 3703.4.

⁴⁴ *Id.*

⁴⁵ 3 D.C.M.R. § 3704.1.

⁴⁶ D.C. Code § 1-1163.03(c)(5) and 3 D.C.M.R. § 3704.7

The Board has ruled that the investigatory process regarding complaints proceeds as follows through a two-step process:

Under the campaign finance statutes and regulations, OCF, through its Director, is authorized to investigate complaints ... through a two-step process. ***First, OCF initiates a preliminary investigation.*** The campaign finance regulations require that, within ten (10) days of its commencement of a preliminary investigation into a violation, OCF must provide the target of the investigation with the complaint and an offer of “an opportunity” to respond to its allegations. The regulations also require that the target of the investigation must receive notice of the investigation’s existence and “the general nature of the alleged violation[.]” The regulations further specify that the purpose of the preliminary investigation is to determine whether there is “reasonable cause” to bring a full investigation. Such reasonable cause determination must be made within 30 days of the initiation of the preliminary investigation. ***In other words, a prompt response to a complaint contending a lack of “reasonable cause” allows the target of an investigation to attempt to head off further proceedings.***

Second, if OCF determines, based on its preliminary investigation, that there is “reasonable cause” to launch a full investigation, OCF is then authorized to utilize a wide range of investigatory tools to gather evidence, including subpoena power and the authority to issue questions to be answered in seven (7) days to “any person.” Unless the Board grants it an extension, OCF must complete its investigation within ninety (90) days of the filing of a complaint. At the end of the investigation, OCF must make a determination as to whether there is sufficient evidence of a violation of the campaign finance laws. If there is a violation, OCF takes enforcement action; if not, it dismisses the matter.⁴⁷

b. OCF Conducted a “Preliminary Investigation,” not a “Full Investigation” into the Committee.

Here—and consistent with the regulations’ requirements for “Preliminary Investigations” and the Board’s description of OCF’s investigatory procedures—on April 27 OCF emailed the Committee to provide a copy of the Complaint, explained the existence of the investigation and the general nature of the alleged violation by stating that OCF “has commenced an investigation

⁴⁷ D.C. Board of Elections, Memorandum Opinion and Order, In Re: Elissa for DC, Order No. 22-028, at 3-4 (internal citations omitted, emphases added) (hereinafter “Silverman Order”).

to determine whether any violations of the Campaign Finance Act have occurred,” and offered the Committee an opportunity to respond to the allegations by May 1.⁴⁸

The Committee Treasurer’s May 1 Response to the Complaint stated *in the first sentence* that:

I write in response to Kevin Sobkoviak’s complaint (the “Complaint”) against Safe and Affordable DC (the “Committee”), which you emailed to the Committee on April 27, 2026, and into which the Office of Campaign Finance (“OCF”) **has opened a preliminary investigation.**⁴⁹

The Response further stated:

The Committee has not coordinated with Janeese Lewis George and her candidate committee, Janeese for DC (collectively “Janeese for DC”), **and OCF should therefore determine that there is no reasonable cause to commence a full investigation and close its preliminary investigation into the Committee.**⁵⁰

These statements immediately and forthrightly articulated the Committee’s understanding—consistent with the regulations—that OCF was conducting a Preliminary Investigation and that there was no reasonable cause to initiate a full investigation. The Committee’s response to the Complaint—only 4 days after OCF provided it to the Committee—was entirely consistent with the Board’s ruling that “*a prompt response to a complaint contending a lack of ‘reasonable cause’ allows the target of an investigation to attempt to head off further proceedings.*”⁵¹ But OCF did not then or ever – until its post-election denial of the Committee’s Motion for Reconsideration – inform it that OCF instead was conducting a *Full Investigation*.

Similarly, the Committee’s June 6 letter to OCF *spent 3 pages* reiterating the Board’s procedural requirements for investigations, detailing how OCF had failed to comply with those procedures and open a Full Investigation, and explained how OCF’s compliance with the Board’s regulations is essential to protecting due process and the integrity of investigations.⁵²

Nonetheless, while OCF’s Order Denying Reconsideration notes that the Committee’s Treasurer provided a Response to the Complaint on May 1 and the Committee’s Counsel

⁴⁸ See Exhibit A.

⁴⁹ See Exhibit B at 1 (emphasis added).

⁵⁰ *Id.* (emphasis added).

⁵¹ Silverman Order at 3.

⁵² See Exhibit F at 1-3.

provided a response to OCF on June 6, it states that “Neither [the Committee’s] Counsel nor [the Committee’s Treasurer] questioned the category in which the investigation was assigned at any time during the process.”⁵³ This demonstrably false statement (or, utterly disingenuous: the Committee did not “question[] the category” and rather asserted it, and OCF did not correct it) *raises the question whether OCF staff even read the Committee’s May 1 Response to the Complaint or its June 6 letter.*

Compounding OCF’s error, its Order Denying Reconsideration also primarily relies on and quotes from an email purporting to provide notice of a “Full Investigation” *that the Committee never received.* Specifically, it provides: “When OCF notified the Committee of the original complaint and provided a copy on April 24, 2026, the Committee was advised that “the complaint has been accepted and an Investigation has been opened[.]”⁵⁴

As an initial matter, OCF *did not email the Committee on April 24*; it did so on April 27. And OCF’s April 27 email to the Committee *does not include* the language OCF quoted.⁵⁵ Moreover, nowhere does OCF’s April 27 email provide notice that a Full Investigation had begun. Consistent with the Board’s ruling that when a complaint is received “First, OCF initiates a preliminary investigation,”⁵⁶ OCF’s email comported with the regulations’ requirements for Preliminary Investigations that the target of the investigation receive a copy of the complaint, an “explanation of the existence of the investigation and the general nature of the alleged violation,” and “an offer to the subject affording the opportunity to respond to the allegation(s),”⁵⁷ OCF’s email provided a copy of the Complaint, says that OCF had “commenced an investigation,” and provided the Committee with an opportunity to respond.

OCF also argues that it provided notice to the Committee that a Full Investigation had begun because “The FI in the Docket Number OCF FI 2026-007 denotes Full Investigation and clearly Identifies the category in which the Investigation has been assigned.”⁵⁸ But this does not “clearly” identify any such thing. OCF has never previously informed the Committee about the purported significance of its Docket nomenclature, such a meaning it not obvious or apparent, the designation is inconsistent with the email’s text as detailed above, and the Committee’s Response to the Complaint specifically referenced its understanding that a Preliminary Investigation was underway, prompting nothing from OCF to correct what OCF should have considered to be a major misapprehension of the status of the matter. OCF did not inform the Committee—and to this day OCF has not even said, let alone shown—that the Director made the

⁵³ See Exhibit I at 5.

⁵⁴ *Id.*

⁵⁵ See Exhibit A.

⁵⁶ Silverman Order at 3.

⁵⁷ 3 D.C.M.R. § 3703.6.

⁵⁸ See Exhibit I at 6.

requisite “finding of reasonable cause” to commence a full investigation. On this record, then, OCF plainly failed to “noti[fy] the respondent that a full investigation ha[d] commenced.”⁵⁹

OCF also notes that on May 4 it “advised the Board of Elections that the complaint had been accepted and a Full Investigation had commenced. OCF also included the information in its presentation during the scheduled Board of Elections Monthly Meeting on May 6, 2026.”⁶⁰ The minutes for the Board’s May meeting merely state: “Docket No. OCF-I 2026-007 [sic] was docketed on April 24. The complainant, Kevin Sobkoviak, alleges improper coordination by the respondents, Janeese Lewis-George, Safe and Affordable, Unite Here Local 25, and SEIU 32BJ. The matter remains pending before OGC.”⁶¹ Similarly, the transcript for the Board’s May meeting states: “Next is OCF-FI 2026-007. Complainant is Kevin Sobkoviak. Docketed on the 24th of April, 2026. The Respondents are Janeese Lewis George, Principal Campaign Committee, Safe and Affordable [sic], Unite Here, Local 25, and the SEIU 32BJ. The allegation is improper coordination. That matter is pending.”⁶² Even if OCF *had* communicated this information to the Committee – and even if the Board’s record reflected that a Full Investigation was underway, which it did not – that would not constitute *notice to the Committee* that OCF was conducting a Full Investigation. And the fact that the Committee was identified as a “respondent” does not mean that a Full Investigation is ongoing; the Board’s regulations regarding Preliminary Investigations describe subjects as respondents: “Within ten (10) days after initiation of a preliminary investigation, the Director shall notify, in writing, *the person (respondent) who is the subject of the preliminary investigation.*”⁶³

Finally, the fact that OCF asked the Committee questions on May 26 did not provide notice that a Full Investigation had begun. Nowhere did OCF indicate that the questions were part of a Full Investigation. The questions were also inconsistent with the Board’s regulations regarding Full Investigations, which authorize a “a wide range of investigatory tools to gather evidence”⁶⁴ specifically providing that such investigations “shall be conducted by evidence and explored by the following: (a) subpoena; (b) depositions; (c) Interrogatories; (d) Interviews; (e) audits; (f) Affidavits; (g) Documents; and (h) Other means deemed appropriate.”⁶⁵ OCF’s email transmitting the questions merely said:

⁵⁹ 3 D.C.M.R. § 3704.1.

⁶⁰ See Exhibit I at 3.

⁶¹ See Minutes of the Board of Elections Regular Meeting, May 6, 2026, at 5, *available at* <https://www.dcboe.org/getContentAsset/aade9927-fbee-4e9d-9dde-39c5117c254b/5ebbd046-860b-4ee1-81c8-43d0e3bc446e/May-2026-Minutes.pdf?language=en>.

⁶² See Transcript of the Board of Elections Regular Meeting, May 6, 2026, at 67-68, *available at* https://www.dcboe.org/getContentAsset/3e54b67a-fdbc-45e3-9376-1c84c91f64b8/5ebbd046-860b-4ee1-81c8-43d0e3bc446e/0506-DC-BOE-209680-corrected_full.pdf?language=en

⁶³ 3 D.C.M.R. § 3703.4 (emphasis added).

⁶⁴ Silverman Order at 3.

⁶⁵ 3 D.C.M.R. § 3704.2

The attached questions are submitted in connection with the above referenced [sic] investigation.

Please provide responses by Thursday May 28, 2026.

Thank you for your cooperation.⁶⁶

OCF never mentioned it had made a reasonable cause determination and initiated a Full Investigation, and its email text and the nature of the questions themselves indicated that they were part of OCF's Preliminary Investigation.

In sum, the Board framed its regulations regarding investigations to ensure that: "Investigations shall be conducted fairly and professionally[.]"⁶⁷ It would be neither fair nor professional to conclude that notice had been provided on such a flimsy, not obvious basis. Had the Committee known that OCF purported to be conducting an adversarial Full Investigation, rather than a "strictly investigatory, non-adversarial, and non-adjudicatory" Preliminary Investigation, it would have taken a different approach in responding to OCF's inquiries, as discussed below.⁶⁸

c. The 30-Day Period to Determine Whether a Full Investigation is Necessary Passed, so the Investigation Ended.

The Board's regulations provide that "[w]ithin thirty (30) days of initiation of a preliminary investigation, the Director shall determine whether a full investigation is necessary."⁶⁹ "Days" means "calendar days, unless stated otherwise,"⁷⁰ which the Board of Elections' relevant regulations do not. A full investigation "shall commence upon a finding of reasonable cause by the Director and notice to the respondent that a full investigation has commenced."⁷¹

Here, the 30-day period for OCF to determine whether a full investigation is necessary has passed. OCF commenced a preliminary investigation—at the latest—on April 27th. Thirty days from April 27th is May 27th. The Director was legally required to find reasonable cause and initiate a full investigation, if at all, by that date. That did not happen.

⁶⁶ See Exhibit E.

⁶⁷ 3 D.C.M.R. § 3700.2.

⁶⁸ *Id.* § 3703.3.

⁶⁹ *Id.* § 3703.4.

⁷⁰ *Id.* § 9900.1

⁷¹ *Id.* § 3704.1.

d. OCF May Only Impose Fines After Conducting Either a Full Investigation or Informal Hearing, Neither of Which Happened.

The Order imposed a fine against the Committee for violating 3 D.C.M.R. Section 3711.2(m). OCF may, however, only impose penalties under that provision:

Upon a determination, **pursuant to §§ 3704 or 3709**, that a violation has occurred, the Director may ministerially impose fines upon the candidate, treasurer, committee, designated agent under § 3000.12, or any other person, in the following manner: (a) Each allegation shall constitute a separate violation; and (b) A fine shall attach for each day of non-compliance for each violation.⁷²

OCF has not, however, made a determination “pursuant to §§ 3704 or 3709” against the Committee.

Section 3704 details the requirements for a reasonable-cause finding and a “Full Investigation,” and, as detailed above, neither occurred here.⁷³ While Section 3704.7 provides for imposing civil penalties, that provision appears within Section 3704, which necessarily means that it must be the outcome of a “Full Investigation.”

Section 3709 details the requirements for an “Informal Hearing for Alleged Violations of Reporting and Disclosure Requirements.” More specifically, Section 3709.1 provides: “The Director may institute or conduct an informal hearing, including an order to show cause, on alleged violations of the reporting and disclosure requirements, prescribed by the Act and Chapters 30-42 of this title.”⁷⁴ No such Informal Hearing happened here.

In sum, the Board’s regulations require it to either open a Full Investigation or have an Informal Hearing prior to imposing any penalties. ***Neither of those steps were taken here, making the Order’s fine against the Committee ultra vires and unenforceable.*** The Board should vacate the Order on that basis.

III. The Committee Did Not Coordinate with Janeese for DC.

If the Board does not vacate the Order on the procedural grounds detailed above, then it should vacate it on substantive grounds because the Order provides *no factual basis* for its conclusion that the Committee coordinated with Janeese Lewis George and her candidate committee, Janeese for DC (collectively “Janeese for DC”). Indeed, the Order *does not even*

⁷² *Id.* § 3711.1 (emphasis added).

⁷³ See Part II(b), *supra*.

⁷⁴ 3 D.C.M.R. § 3704.1.

attempt to apply specific facts to the applicable statute and regulations concerning coordination. The Order instead provides that:

The OGC’s determination is ***grounded in a presumption of coordination based upon a preponderance of the evidence and the totality of the circumstances*** that the Campaign, UNITE HERE IU, UNITE HERE Local 25, SEIU Local 32BJ, Workers Vote and S&A DC, an independent expenditure committee engaged in coordination, as defined under the statute.

Moreover, ***based upon the vast accumulation of circumstantial evidence***, the Campaign, UNITE HERE IU, UNITE HERE Local 25, SEUI Local 32BJ [sic], Workers Vote and S&A DC, an independent expenditure committee, cannot sustain its burden to rebut the presumption of coordination through evidence proffered in the form of an undated, unsigned firewall policy established in a document entitled “UNITE HERE, Local 25, and Local 23 “Firewall” Policy for 2026 District of Columbia”.⁷⁵

These vague and conclusory statements reflect neither evidence of coordination nor facts giving rise to a rebuttable presumption of coordination. The Campaign Finance Act (the “Act”) defines “coordination” as making an expenditure:

- (i) At the explicit or implicit direction, request, or suggestion of a public official, a political committee affiliated with a public official, or an agent of a public official or a political committee affiliated with a public official; or
- (ii) In cooperation, consultation, or concert with, or with other material involvement of a public official, a political committee affiliated with a public official, or an agent of a public official or a political committee affiliated with a public official.⁷⁶

The Order *does not assert one fact* that the Committee, through Local 25 employees supporting it (or others), “coordinated” with Janeese for DC under this definition.

Similarly, the Order *does not assert one fact* that establishes a “rebuttable presumption” of coordination. The Act and the Board’s regulations provide:

There shall be a rebuttable presumption that a contribution or an expenditure is coordinated with a public official, a political committee affiliated with a public

⁷⁵ Order at 34 (emphases added).

⁷⁶ D.C. Code § 1-1161.01(10B)(A).

official, or an agent of a public official or a political committee affiliated with a public official, if:

- (i) The contribution or expenditure is made based on information that the public official, political committee affiliated with the public official, or an agent of a public official or a political committee affiliated with a public official, provided to the particular person making the contribution or expenditure about its needs or plans, including information about campaign messaging or planned expenditures;
- (ii) The person making the contribution or expenditure retains the professional services of a person who also provides the public official, political committee affiliated with the public official, or an agent of a public official or a political committee affiliated with a public official, with professional services related to campaign or fundraising strategy;
- (iii) The person making the contribution or expenditure is a political committee, political action committee, or independent expenditure committee that was established or is or was staffed in a leadership role by an individual who:
 - (I) Works or previously worked in a senior position or in an advisory capacity on the public official's staff or on the public official's principal campaign committee; or
 - (II) Who is a member of the public official's immediate family; or
- (iv) The contribution or expenditure is made for the purpose of financing, directly or indirectly, the election of a candidate or a political committee affiliated with that candidate, and that candidate has fundraised for the person making the expenditure.⁷⁷

The Board's regulations concerning Fair Election Program candidates similarly provide:

There shall be a rebuttable presumption that a contribution or expenditure is coordinated with a candidate, an agent of a candidate, or principal campaign committee of the candidate, if:

- (a) The contribution or expenditure is made based on information that the candidate, agent, or principal campaign committee of the candidate, provided to the particular person making the contribution or expenditure about its needs or plans, including information about campaign messaging or planned expenditures;
- (b) The person making the contribution or expenditure retains the professional services of a person who also provides the candidate, agent,

⁷⁷ *Id.* § 1-1161.01(10B)(B); 3 D.C.M.R. § 9900.1.

or principal campaign committee of the candidate, with professional services related to campaign or fundraising strategy;

(c) The person making the contribution or expenditure is a political committee, political action committee, or independent expenditure committee that was established or is or was staffed in a leadership role by an individual who works or previously worked in a senior position or in an advisory capacity or;

(d) Who is a member of the candidate's immediate family or;

(e) The contribution or expenditure is made for the purpose of financing, directly or indirectly, the election of a candidate or a political committee affiliated with that candidate, and that candidate has fundraised for the person making the expenditure.⁷⁸

The Order quotes these presumptive fact patterns but nowhere asserts that any of those fact patterns occurred with respect to the Committee, let alone even attempts to apply them to the record before it. Specifically, the Order does not contend that the Committee either:

- made expenditures based on information that Janeese for DC or its agents provided to the Committee;
- retained the professional services of a person who provided services to Janeese for DC related to campaign or fundraising strategy;
- was established by or staffed in a leadership role by an individual who works or previously worked in a senior position or in an advisory capacity for Janeese for DC or on Janeese Lewis George's staff or is a member of Janeese Lewis George's immediate family; or
- made any contributions or expenditures for the purpose of financing Janeese for DC, and Janeese Lewis George fundraised for the Committee.

In order to establish a rebuttable presumption under District of Columbia law, one of these factors must be present *in fact*; simply reciting the *factors* does not state *facts*, and assertions of “the preponderance of the evidence,” “the totality of the circumstances,” and “the vast accumulation of circumstantial evidence”⁷⁹ do not make up for an absence of relevant *facts*.

Instead, the Order contends that there is a rebuttable presumption of coordination *simply because (the Order says) the Firewall Policy was legally insufficient*.⁸⁰ As detailed above, the Act's and the regulations' rebuttable presumption provisions list specific circumstances under

⁷⁸ 3 D.C.M.R. § 4209.9.

⁷⁹ Order at 34.

⁸⁰ *Id.* at 34-35. The Order cites to several Federal Election Commission advisory opinions that address firewall policies under federal campaign finance law, a federal district case (*Shays v. FEC*, 414 F.3d 76 (D.C. Cir. 2005)) that OCF claims addresses firewall policies but does not, and several National Labor Relations Board cases. *Id.*

which a rebuttable presumption occurs, and no such circumstance exists here *even if there were no Firewall Policy*. A firewall policy is merely a tool—albeit a helpful one—to ensure that no coordination occurs, not a fact in and of itself about whether coordination occurred. *The Order makes no finding that the firewall policy was actually breached, let alone that such a breach resulted in coordination between the Committee and Janeese for DC of a particular Committee expenditure.*

Moreover, had OCF followed the Board’s regulations regarding investigations, respected the Committee’s due process rights, and conducted a “Full Investigation” or “Informal Hearing,” it could have easily determined that many of the evidence-free factual assertions it included in the Order—including that the Firewall Policy “lacks training, monitoring, enforcement, physical separation, digital separation, staff certifications, and timestamped implementation” and that it “is not credible, not enforced, and not capable of preventing information flow”⁸¹—were inaccurate. As such, if the Board does not vacate the Order against the Committee on procedural grounds, the Committee will demonstrate that the Firewall Policy was circulated and adopted before the Committee organized; that individuals subject to the Firewall Policy signed an acknowledgement that they understood and would comply with it; that UNITE HERE Local 25 provided training to individuals who were subject to the Firewall Policy; that the Firewall Policy was implemented and strictly enforced throughout the duration of the primary election; and that, most critically, no circumstances existed that either established coordination or a rebuttable presumption of coordination as defined by District of Columbia law.

* * *

For all of these reasons, the Committee respectfully requests that the Board review and vacate the Order’s fine against the Committee. Thank you for your consideration.

By: /s/ Joseph W. Steinberg

Joseph W. Steinberg

1666 Connecticut Ave. NW, # 550

Washington, DC 20009

(202) 839-4485

jsteinberg@tristerross.com

Counsel to Safe and Affordable DC

⁸¹ *Id.* at 35.

Exhibit A

April 27 Email From OCF

From: **Sanford, William (OCF)** <william.sanford@dc.gov>
Date: Mon, Apr 27, 2026 at 3:22 PM
Subject: Complaint and Request for an Investigation
To: kelsey@leftlane.compliance.com <kelsey@leftlane.compliance.com>
Cc: Collier-Montgomery, Cecily (OCF) <cecily.collier-montgomery@dc.gov>, Jackson, Erick (OCF) <erick.jackson@dc.gov>, Coleman, Renee (OCF) <renee.coleman@dc.gov>, Williams, Wesley (OCF) <wesleyw.williams@dc.gov>

Good afternoon,

The Office of Campaign Finance has acknowledged receipt of the attached Complaint and Request for Investigations which was received on April 24, 2026. Accordingly, the Office of Campaign Finance (OCF) has commenced an investigation to determine whether any violations of the Campaign Finance Act have occurred.

Pursuant to the receipt of the allegations, you may provide the responses you deem appropriate.

However, as in all inquiries of this nature, the details of OCF's activity regarding this matter will remain confidential until completion of the investigation. If you have any questions, please contact me via this email address or at (202) 671-0549. To avoid any misunderstanding, OCF request that you provide your response(s) to the allegations on or before Friday, May 1, 2026. Any responses you submit regarding this matter should include Docket Numbers OCF FI 2026- 007. Thank you for your cooperation.

William O. SanFord
General Counsel
Office of Campaign Finance

Exhibit B

May 1 Response to Complaint



May 1, 2026

William O. SanFord
General Counsel
Office of Campaign Finance
1015 Half Street, SE, Suite 775
Washington, DC 20003

Re: Complaint Against Safe and Affordable DC, Docket Number OCF FI 2026-007

Dear Mr. SanFord:

I write in response to Kevin Sobkoviak's complaint (the "Complaint") against Safe and Affordable DC (the "Committee"), which you emailed to the Committee on April 27, 2026, and into which the Office of Campaign Finance ("OCF") has opened a preliminary investigation.

As detailed below, the Complaint's allegations against the Committee are baseless. Indeed, the Complaint does not allege *any* facts that demonstrate coordination. Rather, Mr. Sobkoviak takes facts that in themselves do not meet the District of Columbia's coordination standard and either speculates that there was coordination or conclusorily asserts that it occurred. Additionally, it appears that Mr. Sobkoviak distributed the Complaint to news media prior to the Committee receiving the Complaint in order to exact political and reputational harm against the Committee, Janeese Lewis George's campaign, and the unions supporting her campaign. And, as we next explain, there was no coordination in fact.

The Committee has not coordinated with Janeese Lewis George and her candidate committee, Janeese for DC (collectively "Janeese for DC"), and OCF should therefore determine that there is no reasonable cause to commence a full investigation and close its preliminary investigation into the Committee. More specifically, the same individual may lawfully work for both the Committee and UNITE HERE Local 25 because he was subject to and followed a Firewall Policy that prohibits coordination with Janeese for DC, and, in any event, no coordination actually occurred. Similarly, the Committee and UNITE HERE Local 25 may also lawfully share the same business address, as no coordination has actually occurred as a result of using the shared address. Additionally, the fact that Committee received contributions from two union political committees whose parent unions also support Janeese for DC is not evidence of

coordination, and no coordination actually occurred regarding the donations. And finally, the Committee may lawfully use a campaign-produced photo of Janeese Lewis George in its communications, as District of Columbia law does not prohibit republication of campaign materials, and no coordination actually occurred regarding the Committee's use of the photo.

I. Independent Expenditures and Coordination

The District of Columbia defines an "independent expenditure" as "[a]n expenditure that is: (A) Made for the purpose of promoting or opposing: (i) The nomination or election of a candidate; (ii) A political party; or (iii) Any initiative, referendum, or recall; (B) Not controlled by or coordinated with: (i) Any public official; (ii) Any agent of a public official, including a political committee; and (C) Not a contribution to a political committee, political action committee, or candidate." D.C. Code § 1-1161.01(28A).¹

"Coordinate" or "coordination" in turn mean "to take an action, including makes an expenditure, either: (i) At the explicit or implicit direction, request, or suggestion of a candidate, a public official or their affiliated political committee or agent; or (ii) In cooperation, consultation, or concert with, or with other material involvement of a candidate or public official or their affiliated political committee or agent." *Id.* § 1-1161.01(10B)(A).²

II. The Committee Has Not Coordinated with Janeese for DC

The Complaint conclusorily alleges that the Committee and two labor unions, UNITE HERE Local 25 and SEIU 32BJ, "engaged in concerned coordinated activity" with Janeese Lewis George and her candidate committee, Janeese for DC (collectively "Janeese for DC"). Complaint at 1. It relies upon the following factual assertions: 1) the same individual works as a press aide for both the Committee and for UNITE HERE Local 25; 2) the Committee and UNITE HERE Local 25 use the same address; 3) the Committee has received contributions from two union PACs whose unions also support Janeese for DC; and 4) the Committee used a Janeese for DC campaign photo on a mailer. Each of these assertions is addressed in turn.

¹ OCF regulations similarly define "independent expenditures" as: "an expenditure that is made for the purpose of promoting or opposing the nomination or election of a candidate; a political party, or any initiative, referendum, or recall that is not controlled by or coordinated with any public official, or any agent of a public official, including a political committee; and not a contribution to a political committee, political action committee, or candidate." D.C. Mun. Regs. tit. 3, § 9900.1.

² OCF regulations similarly define "coordinate or coordination" as "to take an action, including making a contribution or an expenditure: (1) At the explicit or implicit direction, request, or suggestion of a public official, a political committee affiliated with a public official, or an agent of a public official or a political committee affiliated with a public official; or (2) In cooperation, consultation, or concert with, or with other material involvement of a public official, a political committee affiliated with a public official, or an agent of a public official or a political committee affiliated with a public official." D.C. Mun. Regs. tit. 3, § 9900.1. District of Columbia law also includes a rebuttable presumption that coordination occurs in certain circumstances, but the Complaint does not allege any of those circumstances, and in fact none exist. *See* D.C. Code § 1-1161.01(10B)(B). *See also* D.C. Mun. Regs. tit. 3, § 9900.1.

- A. The same individual may lawfully work for both the Committee and UNITE HERE Local 25 because he was subject to and followed a Firewall Policy that prohibits coordination with Janeese for DC.

UNITE HERE Local 25 adopted a Firewall Policy For 2026 District of Columbia Elections (the “Firewall Policy”) prior to the Committee’s creation. *See* Attachment A. The Firewall Policy anticipated that UNITE HERE Local 25 might engage in both coordinated and independent activity in the same elections, and sets out rules to prohibit staff from engaging in unlawful coordination. *And, the Firewall Policy has been followed.*

More specifically, the Firewall Policy provides that UNITE HERE Local 25 staff must be assigned to either “Independent Staff,” “Coordinated Staff,” or “Supporting Staff.” *Id.* at 4. As detailed in the Firewall Policy, “Independent Staff” are strictly firewalled off from impermissible communications with the “Coordinated Staff,” and detailed instructions are provided about what activities Independent Staff may lawfully undertake. For instance, the Firewall Policy prohibits Independent and Coordinated Staff from: discussing a District of Columbia campaign with each other; exchanging information about what each is or may be doing about a campaign; otherwise influencing each other’s actions regarding a campaign; or accessing each other’s electronic and physical materials about a campaign. *Id.* The Firewall Policy also provides that Independent Staff, as relevant here:

- **Must** control, direct and carry out all aspects of the Union’s public activities in the [independent] campaigns;
- **May** recruit members and others to volunteer for the Union’s independent activities;
- **May** collaborate with allies about supporting a candidate or political party if either (a) those allies are not coordinating with the candidate/committee/political party, or (b) if they are, then the collaboration is with their personnel who are firewalled themselves on the independent side;
- **May not** have substantive contact about any of these activities with the candidate/committee/political party or receive non-public information about the candidate/committee/political party’s plans, strategy, activities or needs; [and]
- **May not** convey any information about Independent Staff’s activities or plans to Coordinated Staff.

Id. at 4 (emphases in original).

As relevant to the Complaint, a UNITE HERE Local 25 communications staffer, Benjamin Cannon, was assigned to the “Independent Staff” under the Firewall Policy and, in that capacity, is also working for the Committee. Mr. Cannon has—and will continue—to strictly follow the Firewall Policy. Apart from noting that he concurrently works for both UNITE HERE Local 25 and the Committee, *the Complaint does not allege that Mr. Cannon engaged in any*

specific activities that actually constitute “coordination” under District of Columbia law. It is perfectly lawful for Mr. Cannon to serve in this dual capacity so long as he does not engage in coordination with Janeese for DC with respect to the Committee’s independent expenditures.

- B. The Committee and UNITE HERE Local 25 may lawfully share the same address, and no coordination has occurred as a result of that address being used.

The Committee chose to use the same address as UNITE HERE Local 25 for convenience because, as noted, Mr. Cannon is working for both the Committee and UNITE HERE Local 25, and because the Firewall Policy provides that “Independent Staff” and “Coordinated Staff” may not “access each other’s electronic and physical materials about the campaigns. *Id.* at 4. Indeed, the Complaint does not allege—and the Committee is not aware of—any evidence suggesting that Independent Staff have accessed Coordinated Staff materials about the campaign, or vice versa. In sum, there is no evidence of actual coordination, let alone a rebuttable presumption of coordination—to the contrary, there are procedures in place to prevent such coordination. (The Complaint also alleges that “the public is unaware” that the Committee and UNITE HERE Local 25 share an address “despite its lawful right to know.” This is simply false; in fact, the Committee *publicly disclosed* its address both in its registration filing and in the disclaimer on its public communications, and that widespread public disclosure enabled Mr. Sobkoviak to bring his baseless allegation that the shared address proves coordination.)

Mr. Sobkoviak’s careless, false statement here is indicative of his apparent intent to weaponize OCF’s important complaint procedures to undermine Janeese Lewis George’s mayoral campaign. While District of Columbia law provides that “[a]ll proceedings and records of the Office of Campaign Finance (OCF) relating to the initiation or conduct of any investigation shall be confidential and closed to the public,” D.C. Mun. Regs. tit. 3, § 3700.4, a journalist reported about the investigation *prior* to OCF sending the Committee a copy of the Complaint. See <https://x.com/tomsherwood/status/2048845924097568946?s=20>. While the Committee is unaware of how the Complaint made its way to a journalist so swiftly, Mr. Sobkoviak has donated to Kenyan McDuffie’s campaign and has already been quoted in media reports about the Complaint, suggesting a clear political motive. See <https://www.washingtonpost.com/dc-md-va/2026/04/29/janeese-lewis-george-unions-allegation/>.

- C. The fact that Committee has received contributions from two union PACs whose parent unions also support Janeese for DC is not evidence of coordination.

The Complaint further states that SEIU 32BJ and Workers Vote each contributed \$100,000 to the Committee.³ The Complaint does not allege, however, that such contributions were unlawful because they are not; Independent Expenditure Committees may accept unlimited funds from any lawful source, including the contributors here. Indeed, the same political committee or other person may contribute to both a candidate and an independent expenditure committee that supports the candidate. Doing so is not suggestive of anything except the

³ Though the Complaint did not note this, the political committee 32BJ United American Dream Fund and not 32BJ made the contribution. Workers Vote is an independent expenditure committee registered with the Federal Election Commission.

contributor's commitment to the candidate's victory in the election. If instead that fact sufficed to warrant an investigation, OCF would be inundated with meritless complaints during every election.

D. The Committee may lawfully use a photo of Janeese Lewis George in its communications.

District of Columbia law does not prohibit an Independent Expenditure Committee from using a candidate's publicly posted photo in its communications, absent evidence of actual "coordination." As relevant here, "coordination" precludes an Independent Expenditure Committee from making an expenditure "(i) At the explicit or implicit direction, request, or suggestion of a candidate, a public official or their affiliated political committee or agent; or (ii) In cooperation, consultation, or concert with, or with other material involvement of a candidate or public official or their affiliated political committee or agent." D.C. Code § 1-1161.01(10B)(A). "Material involvement" means any communication to or from a candidate, a public official or their affiliated political committee or agent related to the expenditure. Material involvement also includes devising or helping to devise the strategy, content, means of dissemination, or timing of the expenditure, or making any express or implied solicitation of the expenditure. D.C. Code § 1-1161.01(10B)(A); D.C. Mun. Regs. tit. 3, § 9900.1. Here, the Complaint does not allege—and there is no evidence—that the Committee either acted at Janeese for DC's direction, request, or suggestion, or acted in cooperation, consultation, in concert with, Janeese for DC, or with Janeese for DC's material involvement. And, to be clear, the Committee did not do so.

Moreover, neither the District of Columbia Code nor District of Columbia regulations prohibit "republiation" of publicly posted campaign materials. Indeed, when asked in an advisory opinion request if it would be lawful for an Independent Expenditure Committee to "redistribute information that a principal campaign committee makes available to the public," OCF merely opined that the proposed activity "may easily be interpreted as a coordinated endeavor" and "it would not be advisable" to undertake it, but did *not* state—and *could not* state—that such activity was *generally* unlawful because no statute or regulation prohibits republication, absent actual evidence of coordination. *See* OCF Interpretive Opinion 2018-03, *available at* <https://ocf.dc.gov/node/1352701>. For OCF to state otherwise would have been entirely ultra vires, as none appears in the District of Columbia Code or OCF regulations.

* * *

In sum, the Complaint's allegations against the Committee are baseless. This is not a serious Complaint—it does not allege *any* facts that demonstrate coordination, and the Committee has not in fact coordinated with Janeese for DC. Instead, Mr. Sobkoviak appears to be weaponizing OCF's important complaint procedures in an attempt to undermine Janeese Lewis George's mayoral campaign. While Mr. Sobkoviak is not subject to the District of Columbia's confidentiality requirements regarding investigations and so may abuse the process for his own political ends, we appreciate that your cover email reaffirmed the requirements of D.C. Mun. Regs. tit. 3, § 3700.4, and trust that you will complete this preliminary investigation confidentially, fairly, and professionally.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ks gatz'.

Kelsey Garnatz
Treasurer
Safe and Affordable DC

ATTACHMENT A

FIREWALL POLICY

UNITE HERE, LOCAL 25, AND LOCAL 23 “FIREWALL” POLICY FOR 2026 DISTRICT OF COLUMBIA ELECTIONS

UNITE HERE, Local 25, and Local 23 (collectively, the “Union”) intend to conduct *independent* public communications in connection with the District of Columbia mayoral and city council elections in 2026. The Union also plans to communicate with Union members in connection with these elections. The purpose of this “firewall” policy is to separate the decisions about the Union’s independent public communications from the Union’s lawful contacts with candidates and political parties. This policy will be in place through June 16, 2026.

“Coordination” of certain political activities with candidates or political parties, or with groups that are coordinating with them, can result in the Union’s or a particular PAC’s spending to be treated as an “in-kind” (non-monetary) contribution to that candidate or party.

In sum, the Union may conduct:

- Independent public communications that expressly advocate for candidates through either **UNITE HERE State and Local Fund** or **Workers Vote**, which need not register with the District of Columbia,¹ or through a **new, not yet established Independent Expenditure Committee** that is registered with the District of Columbia Office of Campaign Finance,² without limit;
- Coordinated public communications for candidates **NOT** participating in the Fair Elections Program through **Local 25 General Political Committee**, up to contribution limits;
- Coordinated public communications for candidates participating in the Fair Elections Program either through a **new, not yet established, Fair Elections Committee or directly From Local 25 or Local 23**, up to contribution limits;³ and
- Coordinated or independent membership communications through **UNITE HERE, Local 25, or Local 23**, without limit.

¹ Certain entities like these that only make independent expenditures need not register with the District of Columbia Office of Campaign Finance, but must report if they spend more than \$1,000 aggregate within a calendar year on independent expenditures.

² This could be an existing entity or one that is created for the purpose of engaging in the 2026 elections.

³ The District of Columbia defines a “Fair Elections Committee” as a political committee that only accepts contributions from:

- (a) Individuals who are District residents, which may not exceed \$250 per individual per calendar year; *or*
- (b) A membership organization, if the contribution *consists of membership dues paid by individuals who are District residents* that do not exceed;

- (1) The amount of membership dues actually paid per member per calendar year; and
- (2) \$250 per member per calendar year.

Because the Union may conduct both coordinated and independent activities in the same races, it is necessary to separate Union staff (and consultants) into “independent,” “coordinated,” and “supporting” groups, as this “firewall” policy explains.

Endorsement, Budgeting and Staff Assignment Decision-Making

Senior UNITE HERE officials may make decisions on candidate endorsements and budgets for the independent and coordinated efforts, and assign staff to those efforts. The Union should assign particular staff for the District of Columbia:

- To influence and control public communications (“*Independent Staff*”);
- To deal directly with supported candidates and political parties and to influence and control the membership communications that are coordinated with candidates and parties (“*Coordinated Staff*”); and
- To provide legal, accounting and administrative support for both the Independent Staff and Coordinated Staff (“*Supporting Staff*”).

However, any Union official’s supervision of staff cannot compromise the independence of the Independent Staff. An official may fully participate with the substantive activities of *either* Independent Staff or Coordinated Staff *but not both*. Senior officials are typically on the Coordinated Staff, given their roles in communicating directly with candidates.

Public Communications and Coordination

“Independent Expenditure” Defined: An “independent expenditure” is defined as an expenditure that is made for the purpose of promoting or opposing the nomination or election of a candidate, a political party, or any initiative, referendum, or recall, *and* that is not controlled by or coordinated with any candidate or public official, or any agent of a candidate or public official, including a political committee.

The phrase “promoting or opposing” is not defined. At a minimum, it should be assumed to include “express advocacy” communications that support or oppose a candidate’s election, such as “vote for,” “elect,” “support,” “cast your ballot for,” “George for mayor,” “vote against,” “defeat,” or “reject.” DC officials could also interpret it to sweep more broadly, so please seek legal counsel if you are unsure whether a communication is regulated.

What Coordination Includes: “Coordination” means to take an action, including makes an expenditure, either:

- At the explicit or implicit direction, request, or suggestion of a candidate, a public official or their affiliated political committee or agent; or
- In cooperation, consultation, or concert with, or with other material involvement of a candidate or public official or their affiliated political committee or agent.
 - “Material involvement” means any communication to or from a public official or their affiliated political committee or agent related to the expenditure. Material

involvement also includes devising or helping to devise the strategy, content, means of dissemination, or timing of the expenditure, or making any express or implied solicitation of the expenditure.

Additionally, District of Columbia law imposes a *rebuttable presumption* that activity is coordinated if:

- *Based on information from the candidate or public official:* The expenditure is made based on information that the candidate or public official or their affiliated political committee or agent provided to the person making the expenditure about its needs or plans, including information about campaign messaging or planned expenditures;
- *Common vendor:* The person making the expenditure retains the professional services of a person who also provides the candidate or public official or their affiliated political committee or agent with professional services related to campaign or fundraising strategy; or
- *Prior relationship:* The person making the expenditure is a political committee, political action committee, or independent expenditure committee that was established or is or was staffed in a leadership role by an individual who:
 - Works or previously worked in a senior position or in an advisory capacity on the candidate or public official's staff or on the candidate or public official's principal campaign committee; or
 - Who is a member of the candidate or public official's immediate family;
- *Candidate Fundraising:* The expenditure is made for the purpose of financing, directly or indirectly, the election of a candidate or a political committee affiliated with that candidate, and that candidate has fundraised for the person making the expenditure.

A "rebuttable presumption" evidently means an assumption that the District of Columbia holds true unless it is disproven with evidence.

Working With Allies: In dealing with allies about campaigns, Independent and Coordinated Staff should check with allies about their awareness of and compliance with rules about independent and coordinated activities. Staff should only collaborate with other group's staff that are similarly independent or coordinated with respect to a particular election race. In doing so, anyone at another organization who is involved with a *citywide* race ought to be either completely independent or completely coordinated regarding *all* District of Columbia races in which they are involved.

Membership Communications and Political Mobilization

The Union may encourage members to vote for or volunteer directly with supported candidates. Either Independent Staff or Coordinated Staff may undertake membership communications, but these staffs must *not* collaborate with each other on those communications.

The Union may lawfully coordinate its political communications to Union membership with its supported candidates and their political parties. Internal communications with members are *not* treated as in-kind contributions even if they are done in coordination and contain express

advocacy. *Only Coordinated Staff may engage in lawful collaboration with candidate campaigns about membership communications.*

Firewalling of Independent and Coordinated Staff

Independent Staff and Coordinated Staff must be “firewalled” from each other about campaigns in District of Columbia elections. The staffs do not have to be firewalled from each other about other, *non-electoral* Union matters. Being firewalled means that the Independent Staff and Coordinated Staff may not:

- Discuss the District of Columbia campaigns with each other;
- Exchange information about what each is or may be doing about the campaigns;
- Otherwise influence each other’s actions regarding the campaigns; or
- Access each other’s electronic and physical materials about the campaigns.

Independent Staff

- **Must** control, direct and carry out all aspects of the Union’s public activities in the campaigns;
- **May** recruit members and others to volunteer for the Union’s independent activities;
- **May** encourage members to volunteer directly for candidates;
- **May** collaborate with allies about supporting a candidate or political party if either (a) those allies are not coordinating with the candidate/committee/political party, or (b) if they are, then the collaboration is with their personnel who are firewalled themselves on the independent side;
- **May not** control or direct the Union’s *coordinated* membership communications;
- **May not** have substantive contact about any of these activities with the candidate/committee/political party or receive non-public information about the candidate/committee/political party’s plans, strategy, activities or needs;
- **May not** convey any information about Independent Staff’s activities or plans to Coordinated Staff.

Coordinated Staff

- May receive non-public information about the candidate/committee/political party's strategy, plans, activities and needs;
- May advise the candidates/committees/political party about their strategy and activities;
- May urge candidate campaigns and political parties to adopt particular policy positions and commitments;
- May direct and carry out political communications to members, including in coordination with campaigns;
- May recruit members and others to volunteer for the Union's political activities;
- May recruit members to volunteer for candidate campaigns;
- May collaborate with allies about supporting candidates, if those allies or the collaborating allied personnel are firewalled to be able to coordinate with the candidate/committee/political party; and
- May not make requests or suggestions to Independent Staff or provide them with any non-public strategic campaign information about a candidate or party.

Supporting Staff

- May provide their usual services to *both* Independent and Coordinated Staff;
- May not convey requests or suggestions from Coordinated or Independent Staff to the other; and
- May not inform the Coordinated or Independent Staff about each other's activities.

UNITE HERE Consultants/Vendors

A consultant/vendor may do substantive campaign work for *both* the Union's *separate* independent and coordinated pro-campaign efforts *only* if the consultant/vendor uses a *legally sufficient internal "firewall"* itself. Contracts with consultants/vendors may be executed by whoever is ordinarily authorized to do so, as long as the substantive work involved in negotiating the contract and deciding what the vendor will do is within the sole control of either the Independent Staff or Coordinated Staff, as the case may be.

Likewise, if a consultant/vendor is also performing services for a candidate in a race in which the Union is involved, or with a political party, then the consultant/vendor must operate pursuant to a firewall that prevents coordination of the Union's IEs with the candidate's campaign. As discussed above, DC law creates a "presumption" of coordination when an IE effort and the candidate supported by that effort use a common vendor. For this reason, it is extremely important that when engaging any vendors for its DC IE work, UNITE HERE include in its

contracts with those vendors a provision that either *prohibits* the vendor from providing services to DC candidates supported by the Union's IE efforts, or *requires the vendor to adopt an internal "firewall" policy approved by the Union, and to comply with that policy throughout the campaign.*

In order to overcome DC's presumption of coordination, the Union should require strict firewall protocols for these common vendors in addition to standard firewall requirements, including:

- Physical separation of the vendor staff working on the Union's DC IE effort from vendor staff working for the candidate;
- Storage of work product in separate, password protected drives or folders so as to prevent the vendor's IE staff from accessing (intentionally or accidentally) work product and other materials or data of vendor staff working for the candidate, and vice versa;
- Specific instructions describing the types of information that the vendor's IE staff and candidate staff may not share among themselves or with other vendor staff, whether in conversation, email, text, Slack (and similar applications), social media, messaging apps, or through any other means of communication;
- Protocols preventing vendor staff from supervising or otherwise being involved in decision-making by both IE staff and candidate staff;
- A detailed procedure for addressing potential firewall breaches; and
- An explanation of disciplinary consequences for staff who intentionally violate the firewall policy.

In every case where a consultant/vendor must operate in accordance with a firewall in order to serve either Independent or Coordinated Staff, the union must legally vet the sufficiency of the consultant/vendor's firewall *prior to entering into the contract with that vendor.*

Exhibit C

May 4 Email from OCF

From: **Sanford, William (OCF)** <william.sanford@dc.gov>
Date: Mon, May 4, 2026 at 10:59 AM
Subject: Supplement to Docket Number OCF FI 2026-007
To: kelsey@leftlane.compliance.com <kelsey@leftlane.compliance.com>
Cc: Collier-Montgomery, Cecily (OCF) <cecily.collier-montgomery@dc.gov>, Jackson, Erick (OCF) <erick.jackson@dc.gov>, Williams, Wesley (OCF) <wesleyw.williams@dc.gov>

Director Collier-Montgomery, Attorney Sanford, and colleagues,

Docket Number OCF FI 2026-007

Re: **Rebuttable presumption**

Please confirm receipt of this message. Thank you.

In the time since I filed my original complaint, some more information and insight has come to light.

1) Campaign finance reports filed by the Janeese Lewis George campaign (JLG) show two payments to Unite HERE Local 25 (Local 25) described as "Rental." The first was on December 15, 2025 for \$19,737.00, the second was on December 31, 2025 for \$24,739.65. Of particular interest is the first payment. While the second payment follows the pattern of other payroll reimbursements, the first is a round number. What is JLG renting from Local 25? Is it office space? If not, what?

2) With office space in mind, JLG should be questioned as to where they were located when the campaign was launched and where it was housed during the weeks thereafter. Numerous sources indicate the campaign was using or altogether operating from the offices of Local 25 located at 901 K

Street NW, Suite 200, Washington, DC 20001. Whether or not JLG paid for the office space is unclear. If not, the space represents an improper in-kind contribution.

3) More significantly, the IE, Safe & Affordable DC, is located at the same address: 901 K Street NW, Suite 200, Washington, DC 20001. Did the campaign and IE operate from the same location?

4) Importantly, Safe & Affordable DC registered with OCF on January 20, 2026, BUT there is evidence that it was operating and spending funds as early as December 19, 2025, the date on which it paid for and registered its website with ICANN as proven here <https://who.is/whois/safeandaffordabledc.com> and, see also, the image that appears at the end of this email.

5) Again, did the campaign and IE operate from the same office space? As proven, Safe & Affordable was operating before registering with OCF on January 20, 2026.

In summary:

Local 25 and JLG share staff.

Safe & Affordable DC and Local 25 share staff.

JLG, Local 25 and Safe & Affordable DC seem to have shared the same offices.

JLG, Local 25, and Safe & Affordable DC share a common objective.

Are we to believe that the three parties didn't also share information and coordinate?

Even if JLG did not locate its operations within Local 25's offices, the three parties share staff. In effect, **at bare minimum Local 25 is a staffing vendor for JLG and Safe & Affordable**. In other words, the two share a common vendor.

Which brings me to **rebuttable presumption**. JLG, Local 25 and Safe & Affordable DC have exposed themselves to the rebuttable presumption standard. It is fair, very fair, to speculate that the firewall between JLG and Safe & Affordable has been breached.

What specific, demonstrable mechanisms do the three parties have in place to uphold the firewall?

Without a doubt, the actions of JLG, Local 25 and Safe & Affordable violate the spirit of the law. They are flouting the law, regulators and law enforcement officials. In addition, JLG is doing so while subscribed to the Fair Elections program. Public funds are being used in a manner that raises serious concerns and legitimate suspicions.

Is this precedent by which OCF wishes future campaigns will be guided in how they operate?

Would OCF advise a campaign or IE to operate together this closely or in this manner using an organization, in this case Local 25, as its go-between?

I appreciate your attention to this matter.

Sincerely,

Kevin Sobkoviak

Exhibit D

**May 5 Letter to OCF
Regarding Confidentiality of
Investigations**



May 5, 2026

By email to cecily.collier-montgomery@dc.gov

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

**Re: OCF Violations of Confidentiality Requirements re: Docket Number
OCF FI 2026-007**

Dear Director Collier-Montgomery:

I write regarding the Office of Campaign Finance's ("OCF's") confidentiality requirements concerning its investigation into Safe and Affordable DC (the "Committee"). As detailed below, an OCF employee, Mr. Wesley Williams, has provided confidential information to the press about OCF's investigation into the Committee, in violation of OCF's own regulations, and an unknown OCF source evidently did so separately as well. This directly prejudices the Committee and calls into question both OCF's impartiality and adherence otherwise to its procedural rules with respect to this matter. We do not send this letter lightly but believe the breach is clear.

I. District of Columbia Regulations Contain Strict Confidentiality Provisions Regarding OCF Investigations.

The District of Columbia Board of Elections (the "Board") has adopted the following strict confidentiality regulations regarding OCF investigations:

3700.2. Investigations shall be conducted fairly and professionally, and in a manner that protects the rights and reputations of public employees and officials.

...

3700.4. All proceedings and records of the Office of Campaign Finance (OCF) relating to the initiation or conduct of any investigation shall be confidential and closed to the public, except all orders of the Director issued during investigative proceedings shall be made available to the public at OCF's website (<http://ocf.dc.gov/>).

3700.5. The disposition of each investigation shall be made part of the public record.

D.C. Mun. Regs. tit. 3, § 3700. OCF is established within the Board and is, of course, subject to these requirements. *Id.* § 101.1.

II. OCF Has Violated the Confidentiality Regulations

The regulations provide all OCF “proceedings and records . . . relating to *the initiation or conduct of any investigation* shall be confidential,” except for orders of the Director and the ultimate disposition of the investigation. *Id.* § 3700.4 (emphasis added).

OCF notified the Committee via email on April 27 that OCF had “commenced an investigation to determine whether any violations of the Campaign Finance Act have occurred.” OCF’s email acknowledged that “as in all inquiries of this nature, the details of OCF’s activity regarding this matter will remain confidential until completion of the investigation.”

Notwithstanding the legal requirement and OCF’s acknowledgement of it, on May 1 a local news report *quoted an OCF employee sharing confidential records concerning the initiation of the investigation into the Committee*. See “Has Janeese Lewis George’s Mayoral Campaign Violated DC Election Finance Laws,” by Jonetta Rose Barras, *available at* <https://thedcline.org/2026/05/01/jonetta-rose-barras-has-janeese-lewis-georges-mayoral-campaign-violated-dc-election-finance-laws/> (last accessed May 5) (the “Article”).

Specifically, the Article’s first sentence provides: “Earlier this week, Wesley Williams, operations and policy officer for the DC Office of Campaign Finance, *confirmed that his agency has opened an investigation* into whether the relationship between Janeese Lewis George’s mayoral campaign, the union-created Safe & Affordable DC independent expenditure committee, and several unions — particularly Unite Here Local 25, its New York City headquarters, and SEIU 32BJ — have violated local campaign finance laws.” *Id.* (emphasis added). The Article then quotes Mr. Williams as stating: “*The investigation was opened on Friday, April 24, 2026.*” *Id.* (emphasis added). Both the article text and Mr. Williams’s quote of course “*relate[] to the initiation . . . of an investigation*” into the Committee. D.C. Mun. Regs. tit. 3, § 3700.4. Pursuant to the confidentiality regulation, Mr. Williams’s only lawful statement to the reporter about this entire pending matter should have been “no comment,” not to disclose the fact and date of commencement of an investigation.

Several factors make Mr. Williams’s response particularly egregious. First, of course, the confidentiality rules are longstanding. Second, Mr. Williams was copied on OCF’s April 27 email to the Committee about the Complaint that pledged confidentiality per the Board’s rules.

Third, he was quoted in the article as stating: “All matters related to the investigation are confidential until the investigation is complete and an Order has been issued by the Director of the Office of Campaign Finance,” which misstates the regulatory requirements that apply, as they apply to “all proceedings and records,” including those “*relating to the initiation* or conduct” of an investigation. D.C. Mun. Regs. tit. 3, § 3700.4 (emphasis added).

Separately and additionally, reporter Tom Sherwood, in a series of Tweets on Monday, April 27, between 3:25 and 3:27pm EST, said that: “The DC Office of Campaign Finance has opened an investigation into allegations that the Janeese Lewis George campaign for mayor is improperly involved with unions that also are running an independent PAC supporting Lewis George,” and that “Office of Campaign Finance General Counsel William O. Sanford told both sides Friday of the investigation, saying ‘...the details ... will remain confidential until the investigation has been completed.’” See <https://x.com/tomsherwood/status/2048845924097568946> and <https://x.com/tomsherwood/status/2048846536105152667> (last accessed May 5, 2026). In fact, the Committee had *not* been informed Friday about the Complaint; Mr. Sanford emailed the Committee on Monday, April 27, at 3:22pm EST, just *three minutes* before Mr. Sherwood’s first tweet and *before the Committee had read the email or knew a complaint had been filed*. At that point only OCF knew that OCF was contacting the Committee and what OCF was telling the Committee about the investigation. Publicly confirming that an investigation has begun at the same time that OCF sends a copy of the Complaint to an investigated party is both a clear violation of the confidentiality regulations’ prohibition about confirming an investigation has been opened and *extremely prejudicial* to the Committee.

The Board’s regulations require that: “Investigations shall be conducted fairly and professionally, and in a manner that protects the rights and reputations of public employees and officials.” D.C. Mun. Regs. tit. 3, § 3700.2. The confidentiality obligation is a significant part of the regulatory requirement. The Board and OCF must ensure that all staff who have details related an investigation understand and fully comply with their own legal requirements to protect the integrity of the investigative process and the public’s faith in it, and ensure that details provided to the press do not prejudice parties under investigation like the Committee. Instead, OCF has already caused the Committee harm by amplifying the evident efforts of the complainant to portray the Committee as a purported lawbreaker.

As such, we respectfully request that OCF take appropriate steps to address the violations detailed here, including: determining how Mr. Sherwood learned of OCF’s actions; identifying, reviewing, and, if possible, rectifying all OCF contacts with news media and others in the public, including the complainant, about this entire matter; and taking other appropriate steps to ensure that OCF staff comply with the applicable confidentiality requirements. Further, if OCF becomes aware of any other violations of the confidentiality regulations, the Committee respectfully requests that OCF immediately notify us, so that the Committee may take appropriate action to protect its reputation and ensure it is subject to a fair process.

Thank you for your consideration in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Garnatz'.

Kelsey Garnatz

Treasurer

Safe and Affordable DC

cc: William O. Sanford
Wesley Williams

Exhibit E

May 26 Email from OCF

From: Sanford, William (OCF) <william.sanford@dc.gov>

Sent: Tuesday, May 26, 2026 2:16 PM

To: kelsey@leftlanecompliance.com.

Subject: Janeese for DC OCF FI 2026-007

To: Kelsey Garnatz

Good afternoon,

The attached questions are submitted in connection with the above referenced investigation.

Please provide responses by Thursday May 28, 2026.

Thank you for your cooperation.

William O. SanFord
D.C. Office of Campaign Finance

Exhibit F

June 6 Letter to OCF

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LORI A.F. RIDGEWAY
SARA E. BURGER

June 6, 2026

William O. SanFord
General Counsel
Office of Campaign Finance
District of Columbia Board of Elections
1015 Half Street, SE, Suite 775
Washington, DC 20003

Re: Complaint Against Safe and Affordable DC, Docket Number OCF FI 2026-007

Dear Mr. SanFord:

I write on behalf of Safe and Affordable DC (“the Committee”) in response to your May 26th email to the Committee's Treasurer, Kelsey Garnatz, and as a follow-up to my May 28th email to you.

As detailed below, the District of Columbia Code and Board of Elections regulations prescribe specific procedures for Office of Campaign Finance (“OCF”) investigations. OCF has been conducting a preliminary investigation into the Committee, and, per applicable law, the 30-day time limit for OCF to determine whether a full investigation is necessary has passed. Accordingly, the Committee respectfully requests that OCF immediately notify it in writing that OCF’s investigation into the Complaint’s allegations against the Committee has ended.

Notwithstanding the foregoing—and preserving all of its legal rights now and later—the Committee has voluntarily decided to respond to your recent questions. The Committee has not coordinated any of its activities with Janeese for DC and wants to reiterate that fact, which is fully supported by the attached answers.

I. District of Columbia Law Prescribes Specific Procedures for Investigations

District of Columbia law authorizes the Director of Campaign Finance (the “Director”) to investigate potential campaign violations “under regulations approved by the Campaign Finance Board.” D.C. Code § 1-1163.3. The Board, in turn, has adopted regulations detailing the procedures that the Director must follow when conducting investigations. *See* 3 D.C.M.R. § 3700.01 (“The provisions of this chapter shall establish the procedures for the conduct of all investigations by the Director of Campaign

Finance (Director), and/or his or her designee, of alleged violations of Title III of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011.”).

As relevant here, the regulations provide that “[a]n investigation may commence upon ... the filing of a complaint in writing with the Director.” 3 D.C.M.R. § 3701.1. Investigations “shall be identified” as one of the following:

- Internal Inquiry;
- Preliminary Investigation; or
- Full Investigation.

3 D.C.M.R. § 3700.3. The regulations further detail procedural requirements for each type of investigation. *See* 3 D.C.M.R. §§ 3702 (internal inquiries), 3703 (preliminary investigations) and 3704 (full investigations).

The Director may initiate an internal inquiry through either information obtained through the media or documents filed with OCF. 3 D.C.M.R. § 3702.2. Within a reasonable time after starting an internal inquiry, the Director “shall determine whether to initiate a preliminary investigation.” 3 D.C.M.R. § 3700.3. Here, if OCF conducted any internal inquiry at all it was brief: OCF received the Complaint against the Committee on Friday, April 24th, and notified the Committee about it via email on Monday, April 27th.

District of Columbia regulations further provide that a preliminary investigation “shall entail an inquiry by the Director to determine whether there is reasonable cause to believe a violation has occurred.” 3 D.C.M.R. § 3703.1. Such an investigation may, as relevant here, be initiated by a Complaint. 3 D.C.M.R. § 3703.2. Preliminary investigations “shall be strictly investigatory, non-adversarial, and non-adjudicatory.” 3 D.C.M.R. § 3703.3. Further, “[w]ithin ten (10) days after initiation of a preliminary investigation, the Director shall notify, in writing, the person (respondent) who is the subject of the preliminary investigation.” 3 D.C.M.R. § 3703.4. Such notice shall consist of: a copy of the Complaint; an “explanation of the existence of the investigation and the general nature of the alleged violation”; and “[a]n offer to the subject affording the opportunity to respond to the allegation(s).” *Id.*

Here, as part of your April 27th notification to the Committee, you provided a copy of the Complaint, stated that OCF “has commenced an investigation to determine whether any violations of the Campaign Finance Act have occurred,” and requested the Committee respond to the Complaint by May 1st. The Committee responded on May 1st, acknowledging that OCF “has opened a preliminary investigation” and detailing why the Complaint’s allegations against the Committee are baseless.

Additionally—and critically here—District of Columbia regulations provide that “[w]ithin thirty (30) days of initiation of a preliminary investigation, the Director shall determine whether a full investigation is necessary.” 3 D.C.M.R. § 3703.4. “Days” means “calendar days, unless stated otherwise,” 3 D.C.M.R. § 9900.1, which the Board of Elections’ relevant regulations do not. A full investigation “shall commence upon a finding of reasonable cause by the Director and notice to the respondent that a full investigation has commenced.” 3 D.C.M.R. § 3704.1.

II. The 30-Day Period to Determine Whether a Full Investigation is Necessary Has Passed.

Here, the 30-day period for OCF to determine whether a full investigation is necessary has passed. OCF commenced a preliminary investigation—at the latest—on April 27th. Thirty days from April 27th is

May 27th. The Director was legally required to find reasonable cause and initiate a full investigation, if at all, by that date. That did not happen.

Meanwhile, following the Committee's May 1st response to the Complaint, the Committee did not hear from OCF *until almost 4 weeks later*, when you emailed the Committee on May 26th, and stated that "[t]he attached questions are submitted in connection with the above referenced investigation." But the preliminary investigation regulations do not provide for posing questions or any type of discovery; only the full investigation regulations do so. *See* 3 D.C.M.R. §§ 3703, 3704. And, no full investigation had begun by May 26th (or since then) because it may only "commence upon a finding of reasonable cause by the Director and notice to the respondent." 3 D.C.M.R. § 3704.1. The Committee has received no such notice. As such, there is no procedural basis for the questions, and it is too late for OCF to commence a full investigation.

III. Complying with Regulations Regarding Investigations is Essential to Protect Due Process and the Integrity of Investigations.

The Board of Elections' regulations regarding OCF investigations are critical to preserving both due process and the integrity of OCF's oversight of the District of Columbia's important campaign finance laws. They establish specific procedures to ensure that OCF acts quickly to investigate potential violations, while protecting the government's interests, the public's interests, and the rights of affected parties. Echoing how important this is, the regulations' first substantive section provides that "[i]nvestigations shall be conducted fairly and professionally, and in a manner that protects the rights and reputations of public employees and officials." 3 D.C.M.R. § 3700.2.

OCF's regulations were established to handle the exact circumstances here: a complaint was filed by an evident supporter of one candidate against the other candidate's campaign and its supporters shortly before a highly contested election. The regulations require OCF to act with dispatch in making an internal inquiry and, as deemed necessary, a preliminary and a full investigation. That has not occurred. Now, OCF would violate the law if it proceeded to a full investigation, and doing so would significantly prejudice the Committee in this fraught pre-election period, with early voting in full swing and Election Day a mere 13 days ahead. Any public issuance by OCF during this period—even if it complied with OCF's confidentiality regulations regarding investigations—could significantly affect a razor-thin election for mayor, prejudicing the Committee and the candidates. And, as the Committee already notified you via a May 5th letter, OCF *has already violated* its regulations by providing confidential information to news media about its investigation into the Committee. The Committee requested a response to that letter but has received none, despite the Committee's letter specifically detailing the facts involved and the breached regulations.

The Committee, the mayoral candidates, the Board of Elections, and the public all reasonably expect enforcement agencies to follow their own laws. OCF should do so here by acknowledging that its preliminary investigation into the Committee has lawfully concluded.

IV. Nonetheless, the Committee is Voluntarily Responding to OCF's Questions

Notwithstanding the foregoing—and preserving all of its legal rights now and later—the Committee has voluntarily decided to enable Ms. Garnatz to respond to your recent questions, although the Committee does not concede that she is accurately characterized as a "witness." *See* Attachment A.

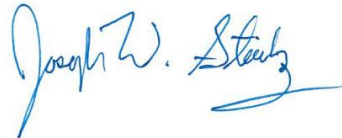
Responses to your questions are in bold. The Committee has not otherwise edited the document—it has not, for instance, added numbers to the questions or fixed apparent typographical errors. Moreover, while many questions appear to have been initially drafted for other entities and are inapplicable to Ms. Garnatz and the Committee (for instance, one question asks “If you do not work 100% for JLG [Janeese for DC] then who else do you work for and what are your duties?” and another asks “What are your duties at the Union?”), and while other questions are ambiguous (for instance, “Who made the determination that the Union to support [sic] the JLG campaign?”), Ms. Garnatz has responded to them as best she can.

* * *

In conclusion, the Committee respectfully requests that OCF notify it in writing that the investigation into the Committee has ended and that OCF has dismissed the Complaint against the Committee.

Thank you for your consideration in this matter.

Sincerely,



Joseph W. Steinberg
Counsel to Safe and Affordable DC

ATTACHMENT A
RESPONSES TO OCF QUESTIONS

Questions for Witnesses

The following are questions for the witnesses in the Janeese For DC investigations:

What is your name?

Kelsey Garnatz

What is your address?

880 P ST NW Apt 817, Washington, DC 20001

Where are you employed?

I'm Self Employed at my compliance firm Left Lane Compliance. I am also employed at a separate organization to prepare federal campaign finance reports.

What is the physical location of your employment?

880 P St NW Apt 817, Washington, DC 20001

How long have you been employed there?

8 years

What is your job title?

Owner

What are your duties at the Union?

This does not identify any union, and I have no duties at any union. I am a consultant paid by Safe and Affordable DC and I am its Treasurer.

What is the date of your first contact with the Janeese Lewis- George campaign (the JLG)?

N/A. There have been none.

How did your first contact with JLG occur?

N/A

Do you have any emails between you and the JLG?

No.

Did you have any telephone calls and or texts between you and the JLG?

No.

Who made the determination that the Union to support the JLG campaign?

N/A

Do you have any correspondence, emails and or texts that pertain to an agreement with the JLG campaign and Safe and Affordable DC?

No. There is no such agreement.

When and, with whom, did these discussions begin?

N/A

What is that person's role and title?

N/A

Who is paying your salary?

N/A. I am not paid a salary.

What is the amount of your salary?

N/A

How is your salary being paid?

N/A

How often do you receive a salary payment?

N/A

What credit cards, or method of payment have you used to make purchases for the JLG campaign?

N/A. I make no such purchases.

What items were purchased by you for the JLG campaign?

None.

Have you ever had any discussions with anyone from the JLG campaign regarding any purchases you made for the campaign?

No.

Have you ever had any discussions with anyone from the JLG campaign regarding the campaign's ads?

No.

Have you ever had any discussions with anyone from the JLG campaign's needs for services, supplies, ads, or materials?

No, upon guessing what this grammatically confused question is asking.

Did the JLG campaign reimburse Safe and Affordable for any expenses?"

No.

How much money has Safe and Affordable spent on the JLG campaign?

It is unclear what you are asking here. If you are asking the amount of expenditures that Safe and Affordable DC has spent supporting the JLG campaign, then the Safe and Affordable DC has spent approximately \$1.09 million as of the end of the day on June 2; see our upcoming June 10th report for a full accounting.

How much money did the JLG campaign issue in reimbursements to you?

None.

How did the JLG campaign make the reimbursement?

N/A

What is your role in the JLG campaign?

None.

What percentage of your employment is working with JLG's campaign?

None.

If you do not work 100% for JLG then who else do you work for and what are your duties?

I reconcile bank accounts, prepare filing reports, and handle accounts payable at Left Lane Compliance. I also prepare federal campaign finance reports at another organization.

Do your duties overlap when working for JLG and Safe and Affordable?

N/A. I do not work for the JLG campaign.

Have you made public comments about the JLG campaign and unions?

No.

How many times have you communicated with the Union, in connection with your role with the JLG campaign?

N/A. I do not work for the JLG campaign.

Did you engage in any discussions with the JLG campaign in connection with your role with the Safe and Affordable DC?

No.

With whom did you have these discussions?

N/A

How many times have you communicated with the JLG campaign, in connection with your role with Safe and Affordable DC?

None.

If so when did these discussions first begin?

N/A

Are you aware of any agreement executed between the JLG campaign and Safe and Affordable DC?

No.

What is the date of such agreement?

N/A

Did you have the opportunity to review that agreement?

N/A

Did you discuss the content of that agreement with anyone?

N/A

If so, what did you discuss and with whom?

N/A

Are you privy of contributions made by any Safe and Affordable DC to the JLG campaign?

No. There are no such contributions.

If so, what are the amounts and dates of the contributions?

N/A

Do you use your position as an employee of Safe and Affordable DC to obtain support for the JLG campaign?

N/A. I am not an employee of Safe and Affordable DC. I am the Committee's Treasurer, and Left Lane Compliance prepares and files its reports. It is unclear what you mean by "obtain support for the JLG campaign," but insofar as I understand that phrasing the answer is no.

If so, with whom and what support was obtained?

N/A

Are you privy to, aware of, or familiar with ads by any Safe and Affordable DC, or its affiliates, which support the JLG campaign?

Yes.

Did you ever engage in any discussions with anyone at the Safe and Affordable DC concerning any ads supporting the JLG campaign?

Yes.

Are you privy to, aware of, or familiar with ads by any Union, or its affiliates, which support the JLG campaign?

No.

Did you ever engage in any discussions with anyone at the Unions concerning any ads supporting the JLG campaign?

It is unclear what you mean by "the Unions" and whether you are referring to ads by "the Unions" or ads by Safe and Affordable DC. I have had discussions with UNITE HERE Local 25 employees who are on the "independent" side under its Firewall Policy.

Is there a written firewall policy statement that has been distributed to the Safe and Affordable DC employees, consultants and clients affected by the policy?

Safe and Affordable DC does not have any employees or clients. I received a copy of UNITE HERE Local 25's Firewall Policy, which Safe and Affordable DC attached to its response to the Complaint.

The firewall must be designed and implemented to prohibit the flow of information between employees or consultants providing service to the person paying for the communication and those employees or consultants providing services to a political party committee or to the candidate who is clearly identified in the

communication or to the campaign of the candidate opposing the candidate clearly identified in the communication.

What is the relationship between the Safe and Affordable PAC and the Unite Here Union?

I am unaware of a union named “UNITE HERE Union”. UNITE HERE and UNITE HERE Local 25 employees on the “independent” side of their internal Firewall Policy have advised Safe and Affordable DC.

Has the Safe and Affordable PAC made Independent Expenditures and or Contributions to the Janeese for DC Mayoral campaign/

Yes as to independent expenditures; no as to contributions.

If so when and how much?

Independent expenditures will be reported on our June 10th report.

To your knowledge, has the Unite Here Union provide financial or physical support to the JLG campaign. If yes, please explain.

I am unaware of a union named “UNITE HERE Union”. I have no such knowledge regarding UNITE HERE or UNITE HERE Local 25.

Exhibit G

June 12 Email from OCF

From Sanford, William (OCF) <william.sanford@dc.gov>

Date Fri 6/12/2026 5:55 PM

To Joe Steinberg <jsteinberg@tristerross.com>

 1 attachment (110 KB)

Janeese.Lewis.George.Mayoral. Investigation.Final.Order 061226.docx;

From: Sanford, William (OCF)

Sent: Friday, June 12, 2026 5:52 PM

To: jsteinberg@tristrross.com

Subject: FW: Order in JLG for DC

From: Sanford, William (OCF) <william.sanford@dc.gov>

Sent: Friday, June 12, 2026 5:50 PM

To: jrobinson@tristerross.com; info@janeesefordc.com; jhowellbarros@gmail.com; jsteinberg@tristrross.com

Cc: Collier-Montgomery, Cecily (OCF) <cecily.collier-montgomery@dc.gov>

Subject: Order in JLG for DC

Did you know most homeowners' policies don't cover flood damage? **Flood Awareness Week (June 8–13)** is the perfect time to make sure your home and family are protected. Learn more at disb.dc.gov/stormrecoverycenter.

Did you know most homeowners' policies don't cover flood damage? **Flood Awareness Week (June 8–13)** is the perfect time to make sure your home and family are protected. Learn more at disb.dc.gov/stormrecoverycenter.

Exhibit H

Motion for Reconsideration

**DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE**

In Re: Janeese for DC

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Docket No. OCF FI 2026-007

MOTION FOR RECONSIDERATION

Safe and Affordable DC (the “Committee”) moves the Director of the Office of Campaign Finance (“OCF”) to reconsider the Order, dated June 12, 2026 (the “Order”), imposing a \$4,000 fine on the Committee based on findings of fact and conclusions of law set forth in the Order.

This Motion is filed pursuant to 3 D.C.M.R. § 3709.13, which the Order’s “NOTICE” section cites. Section 3709.13 allows a respondent to “file a Motion for Reconsideration to address issues considered mitigating that were not presented during the hearing.” In this matter, and as detailed in the attached Memorandum of Law, OCF never convened an “Informal Hearing” referenced in the regulation. Indeed, District of Columbia law prescribes specific procedures for conducting investigations and imposing fines, and OCF violated those procedures by imposing a fine on the Committee prior to either holding an “Informal Hearing” or conducting a “Full Investigation.” Moreover, as a matter of law, OCF’s “Preliminary Investigation” into the Committee ended when OCF failed to notify the Committee within 30 days of its commencement that OCF had reasonable cause to determine that the Committee had violated District of Columbia campaign finance law. Therefore, the Committee requests that the Director immediately vacate the Order.

A supporting Memorandum of Law is attached.

Dated: June 17, 2026

/s/ Joseph W. Steinberg

Joseph W. Steinberg
Trister, Ross, Schadler & Gold, PLLC
1666 Connecticut Ave. NW, Fifth Floor
Washington, DC 20009

Counsel to Safe and Affordable DC

**DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE**

In Re: Janeese for DC

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Docket No. OCF FI 2026-007

**MEMORANDUM OF LAW
IN SUPPORT OF THE MOTION FOR RECONSIDERATION**

Safe and Affordable DC (the “Committee”) requests that the Director vacate the June 12, 2026 Order against the Committee because the Office of Campaign Finance (“OCF”) violated Board of Elections (“Board”) regulations regarding how to lawfully conduct investigations and impose penalties. OCF failed to notify the Committee within thirty days of commencing its “Preliminary Investigation” that it had reasonable cause to believe the Committee had violated any applicable laws. Moreover, Board regulations require the Director of Campaign Finance (the “Director”) either to notify the Committee that it had begun a “Full Investigation” or to hold an “Informal Hearing” *prior* to imposing penalties, neither of which happened here. As such, OCF unlawfully imposed penalties on the Committee, and the Director should immediately vacate the Order.

I. District of Columbia Law Prescribes Specific Procedures for Conducting Investigations, and the 30-Day Period to Determine Whether OCF Would Conduct a “Full Investigation” Has Passed, so OCF’s Investigation Ended Prior to the Order’s Issuance.

a. OCF Conducted a “Preliminary Investigation” into the Committee, not a “Full Investigation.”

District of Columbia law authorizes the Director to investigate potential campaign violations “under regulations approved by the Campaign Finance Board.”¹ The Board, in turn, adopted Chapter 37 of its regulations, which provides that “[t]he provisions of this chapter shall establish the procedures for the conduct of all investigations by the Director of Campaign Finance (Director), and/or his or her designee, of alleged violations of Title III of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011.”²

¹ D.C. Code § 1-1163.3.

² 3 D.C.M.R. § 3700.01.

The Committee detailed Chapter 37's procedures in its June 6 letter to OCF, but the Order merely noted these legally mandated procedures *without explaining how OCF had complied with them*. That is a significant oversight, as the Director only has authority to issue fines against the Committee after conducting either a "Full Investigation" or an "Informal Hearing," *neither of which OCF conducted*.³ Accordingly, the Director should reconsider and vacate the Order.

As relevant here, the record shows that OCF only conducted a "Preliminary Investigation" into the Committee and not a "Full Investigation." Board regulations provide that "[a]n investigation may commence upon ... the filing of a complaint in writing with the Director."⁴ Investigations "shall be identified" as one of the following:

- Internal Inquiry;
- Preliminary Investigation; or
- Full Investigation.⁵

The regulations further detail procedural requirements for each type of investigation.⁶

The Director may initiate an Internal Inquiry through either information obtained through the media or documents filed with OCF.⁷ As noted in the Committee's June 6 letter, if OCF conducted any Internal Inquiry at all it was brief: OCF received the Complaint against the Committee on Friday, April 24th, and notified the Committee about it via email on Monday, April 27th.

OCF rules require that "[w]ithin ten (10) days after initiation of a preliminary investigation, the Director shall notify, in writing, the person (respondent) who is the subject of the preliminary investigation."⁸ Such notice shall consist of: a copy of the Complaint; an "explanation of the existence of the investigation and the general nature of the alleged violation"; and "[a]n offer to the subject affording the opportunity to respond to the allegation(s)."⁹ OCF so notified the Committee on April 27, providing a copy of the Complaint, stating that OCF "has commenced an investigation to determine whether any violations of the Campaign Finance Act have occurred," and requesting the Committee respond to the Complaint by May 1st.

District of Columbia regulations further provide that a Preliminary Investigation "shall entail an inquiry by the Director to determine whether there is reasonable cause to believe a violation has occurred."¹⁰ Preliminary investigations "shall be strictly investigatory, non-

³ See Part II, *supra*.

⁴ 3 D.C.M.R. § 3701.1.

⁵ 3 D.C.M.R. § 3700.3.

⁶ See 3 D.C.M.R. §§ 3702 (Internal Inquiries), 3703 (Preliminary Investigations) and 3704 (Full Investigations).

⁷ 3 D.C.M.R. § 3702.2.

⁸ 3 D.C.M.R. § 3703.4.

⁹ 3 D.C.M.R. § 3703.4.

¹⁰ 3 D.C.M.R. § 3703.1.

adversarial, and non-adjudicatory.”¹¹ The Committee responded on May 1st, acknowledging that OCF “has opened a preliminary investigation” and detailing why the Complaint’s allegations against the Committee are baseless.

b. *The Thirty-Day Period to Find Reasonable Cause and Commence a “Full Investigation” Passed Without Any Such Actions Taken.*

Upon initiating a preliminary investigation, the Director must “[w]ithin thirty (30) days ... determine whether a full investigation is necessary.”¹² “Days” means “calendar days, unless stated otherwise,”¹³ which the Board of Elections’ relevant regulations do not. A Full Investigation “shall commence upon a *finding of reasonable cause* by the Director *and notice to the respondent* that a full investigation has commenced.”¹⁴

The thirty-day period here ended on May 27, thirty days after April 27. The Director was legally required to find reasonable cause and initiate a Full Investigation, if at all, by that date. That did not happen. The Order merely acknowledges that the Committee raised this issue and nowhere claims that the Director took either step; and of course it could not, because neither happened. For that reason, the Director should reconsider the Order and vacate it.

II. The Fines Imposed Against the Committee are Unlawful because the Board of Elections’ Regulations Required the Director to Either to Find Reasonable Cause and Notify the Committee that It Had Begun a Full Investigation or Hold an Informal Hearing, But OCF Failed to Take Any of These Actions.

a. The Director May Only Impose Fines After Conducting Either a “Full Investigation” or an “Informal Hearing”.

OCF ordered the Committee to pay “\$4,000 for a violation of 3 DCMR Section 3711(m) – Making a contribution in excess of contribution limitations.”¹⁵ As a preliminary matter, OCF’s regulations *do not contain* a “Section 3711(m).” OCF presumably refers to Section 3711.2(m) (emphasis added), which provides: “Except for fines imposed for violations of the regulations and statutory provisions governing the Constituent Service Programs under § 3711.3 and the Fair Elections Program under § 3711.4, fines shall be imposed as follows: ... (m) Making a contribution in excess of contribution limitations: four thousand dollars (\$4,000).”¹⁶

¹¹ 3 D.C.M.R. § 3703.3.

¹² 3 D.C.M.R. § 3703.4.

¹³ 3 D.C.M.R. § 9900.1

¹⁴ 3 D.C.M.R. § 3704.1 (emphases added).

¹⁵ Order at 39.

¹⁶ 3 D.C.M.R. § 3711.2(m).

But even assuming that OCF intends to fine the Committee under that Section, the Order fails to acknowledge Section 3711.1 (emphasis added), which details the circumstances under which OCF may lawfully impose a fine under Section 3711.2. Specifically, 3711.1 provides that:

Upon a determination, **pursuant to §§ 3704 or 3709**, that a violation has occurred, the Director may ministerially impose fines upon the candidate, treasurer, committee, designated agent under § 3000.12, or any other person, in the following manner: (a) Each allegation shall constitute a separate violation; and (b) A fine shall attach for each day of non-compliance for each violation.¹⁷

OCF has not, however, made a determination “pursuant to §§ 3704 or 3709” against the Committee.

Section 3704 details the requirements for a reasonable-cause finding and a “Full Investigation,” and, as detailed above, neither occurred here.¹⁸ While Section 3704.7 provides for imposing civil penalties, that provision appears within Section 3704, which necessarily means that it must be the outcome of a “Full Investigation.”

Section 3709 details the requirements for an “Informal Hearing for Alleged Violations of Reporting and Disclosure Requirements.” More specifically, Section 3709.1 provides: “The Director may institute or conduct an informal hearing, including an order to show cause, on alleged violations of the reporting and disclosure requirements, prescribed by the Act and Chapters 30-42 of this title.”¹⁹ No such Informal Hearing happened here. Indeed, the Board’s regulation regarding Motions for Reconsideration refers to “issues considered mitigating that were not presented during the hearing.”²⁰ No such hearing was even held here, so the Order should have been issued.

In sum, OCF’s own regulations require it to either open a “Full Investigation” or have an “Informal Hearing” prior to imposing any penalties. ***Neither of those things happened here, making the Order’s fine against the Committee facially unlawful.*** The Director should immediately vacate the Order on that basis.

b. OCF’s Violation of Its Procedures Unlawfully Circumscribed the Investigatory Process, Causing Prejudice and Irreparable Harm to the Committee.

¹⁷ 3 D.C.M.R. § 3711.1 (emphasis added).

¹⁸ See Part I, *infra*.

¹⁹ 3 D.C.M.R. § 3704.1.

²⁰ 3 D.C.M.R. § 3709.13.

OCF's regulations for "preliminary investigations" provide that such an investigation "shall be strictly investigatory, non-adversarial, and non-adjudicatory."²¹ The Committee repeatedly notified OCF about its procedural requirements regarding preliminary investigations.²² The Order failed to address these issues at all.

OCF's legal responsibility to notify the Committee that the preliminary investigation had ended and that OCF had reasonable cause to believe that a specific violation had occurred is essential to ensuring the Committee's due process rights, as it represents the shift from a "non-adversarial" and "non-adjudicatory" process to an adversarial and adjudicatory process. It would have also provided the Committee with notice of the specific statutory and regulatory provisions that OCF believed the Committee had violated, allowing the Committee to address those specific violations through a confidential investigatory process. Instead, OCF violated its regulations, surprising the Committee on the eve of an election and forcing it to address OCF's procedural violations through this Motion *after* fines have been imposed, and amidst significant public scrutiny.

As important, OCF's procedural violations caused it to forgo using the investigatory tools for Full Investigations detailed in Section 3704 or through an Informal Hearing under Section 3709 to determine all of the relevant facts. As a result, it issued the Order in a procedurally defective manner, and based on unwarranted "presumptions" of the underlying facts.

Indeed, a Full Investigation or Informal Hearing would have shown that OCF's Order is factually flawed. For instance, the Order repeatedly states that the Firewall Policy did not predate the Committee's independent expenditure activity, that it was unsigned, that no training was provided to relevant staff, and that it was not actually implemented and enforced.²³ In fact, had OCF conducted either a Full Investigation or Informal Hearing, the Committee would have been able to demonstrate that:

- UNITE HERE Local 25 circulated and adopted the Firewall Policy before the Committee organized;
- The individuals subject to the Firewall Policy signed an acknowledgement that they understood and would comply with it;
- UNITE HERE Local 25 provided training to individuals who were subject to the Firewall Policy;
- The Firewall Policy was implemented and strictly enforced throughout the duration of the Primary election; and

²¹ 3 D.C.M.R. § 3703.3.

²² See Response to the Complaint at 1, 5; June 6 Letter at 2.

²³ Order at 32-36.

- Not a single one of the circumstances existed that could trigger even a rebuttable presumption of coordination.²⁴

Moreover, the Committee could have demonstrated that even if OCF believed that the Firewall Policy was insufficient—which it is not—an insufficient policy would not, by itself, establish coordination. OCF would still need to cite *specific facts establishing coordination*, which the Order failed to do because no such facts exist.

Because OCF did not follow the legally required procedures for investigations, the only information it relied upon when issuing the flawed Order were responses to the Complaint and to OCF’s questions, both of which were provided at the tail end of OCF’s “strictly investigatory, non-adversarial, and non-adjudicatory” Preliminary Investigation.²⁵ Consequently, and even though the Committee’s responses provided no factual basis for a coordination finding, OCF issued the Order premised on the vague and conclusory statement that it “defies logic and credulity” that a presumption of coordination could be successfully rebutted.²⁶ With all respect, what defies logic and credulity is OCF’s failure to follow its own rules and its issuance of such a flawed Order.

Had OCF followed its own rules regarding investigations, respected the Committee’s due process rights, and conducted a “Full Investigation” or “Informal Hearing,” it could have easily determined the above facts. Instead, it violated the Committee’s due process rights and posed extreme prejudice to the Committee immediately prior to the election. The Committee urges the Director to take this opportunity to acknowledge OCF’s errors, vacate the Order, and help rectify the substantial and ongoing harm to the Committee’s reputation and the public’s trust in the District of Columbia’s campaign finance enforcement process.

III. CONCLUSION

The Order is unlawful because OCF did not follow applicable regulatory procedures regarding conducting investigations and imposing fines. The Director should immediately grant the Committee’s Motion and vacate the Order.

²⁴ See D.C. Code § 1-1161.01(10B)(B); 3 D.C.M.R. § 9900.1.

²⁵ 3 D.C.M.R. § 3703.3.

²⁶ Order at 36.

CERTIFICATE OF SERVICE

This is to certify that I have served a true copy of the foregoing Motion and Memorandum of Law on Director Cecily E. Collier-Montgomery by email at cecily.collier-montgomery@dc.gov and General Counsel William O. Sanford by email at william.sanford@dc.gov on this the 17th day of June, 2026.

/s/ Joseph W. Steinberg

Joseph W. Steinberg
Trister, Ross, Schadler & Gold, PLLC
1666 Connecticut Ave. NW, Fifth Floor
Washington, DC 20009

Counsel to Safe and Affordable DC

Exhibit I

**Order Denying Motion for
Reconsideration**

**BEFORE THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
1015 HALF STREET SE, SUITE 775
WASHINGTON, D.C. 20003**

IN THE MATTER OF	)	DATE: June 23, 2026
	)	
Janesse for DC	)	
	)	DOCKET NO: OCF FI-2026-007
	)	
	)	
	)	

ORDER IN RESPONSE TO A MOTION FOR RECONSIDERATION

Background:

The Office of Campaign Finance received a complaint from Kevin Sobkoviak on April 24, 2026, in which he alleged the following: “There are common employees working for both Unite Here Local 25 a major donor to Safe and Affordable DC and Janesse Lewis George’s campaign.

Safe and Affordable DC shares office space at the exact same address as well as staff with Local 25. JFDC conceals this connection by not disclosing who they are paying/reimbursing at Local 25 by using a third-party vendor.

Coordinated independent expenditures are violative of DC’s campaign finance regulatory scheme. If Safe and Affordable DC’s expenditures are indeed coordinated with the Janesse Lewis George’s campaign, they constitute impermissible and excessive contributions...” The public, press, regulators, and law enforcement agencies are in the dark regarding the identities of at least three different JFDC staffers.”

An individual by the name of Adam Yalowitz, a Local 25 employee, \$22,778.00 for 'campaign materials.' According to public records, Yalowitz’s 2024 annual salary was merely \$55,000 per year, begging the question of whether Yalowitz was actually the one being reimbursed, or whether it was his employer union or another third party.

Furthermore, how would an individual be able to spend such impressive funds on campaign materials for a Fair Elections candidate?

IN THE MATTER OF JANESSE FOR DC
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Order On Motion for Reconsideration
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Safe and Affordable DC has already produced one or more mass-mailers which utilized one of JFDC's official campaign photos on the piece, which is clear evidence of collusion, or at least willful disregard for rules.

Janeese Lewis George is a participating candidate in the Fair Elections Program, the hallmark taxpayer-funded public financing program administered by the DC Office of Campaign Finance.

In an attempt to prevent the public from seeing the clear connection and coordinated activity between her campaign and Safe and Affordable DC, Janeese Lewis George's campaign has demonstrated a concerted effort to conceal individuals and parties to whom payments were made.

On April 24, 2026, the Office of Campaign Finance (OCF) acknowledged receipt of the complaint and notified the Janesse for DC Fair Elections Campaign Committee (hereinafter Committee) that the complaint against the Committee has been filed by Mr. Sobkoviak and docketed as OCF FI 2026-007. OCF also advised the Committee of its right to respond to the allegations in the complaint.

On April 27, 2026, OCF transmitted a copy of the complaint to Kelsey Garnatz, treasurer of Safe and Affordable DC. Garnatz was advised of Safe and Affordable DC's right to respond to the allegations in the complaint.

On May 1, 2026 Garnatz submitted a response to the allegations and attached a Document which was identified as "Firewall Policy". The heading on the document stated "UNITE HERE Local 25 and Local 23 Firewall Policy for District of Columbia Elections. However, the document was neither signed nor dated.

On May 1, 2026, Mr. Sobkoviak submitted a Supplement to the original complaint in which He alleged the following:

- 1) Campaign finance reports filed by the Janeese Lewis George campaign (JLG) show two payments to Unite HERE Local 25 (Local 25) described as "Rental." The first was on December 15, 2025, for \$19,737.00, the second was on December 31, 2025 for \$24,739.65. Of particular interest is the first payment. While the second payment follows the pattern of other payroll reimbursements, the first is a round number. What is JLG renting from Local 25? Is it office space? If not, what?

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- 2) With office space in mind, JLG should be questioned as to where they were located when the campaign was launched and where it was housed during the weeks thereafter. Numerous sources indicate the campaign was using or altogether operating from the offices of Local 25 located at [901 K Street NW, Suite 200, Washington, DC 20001](#). Whether or not JLG paid for the office space is unclear. If not, the space represents an improper in-kind contribution.
- 3) More significantly, the IE, Safe & Affordable DC, is located at the same address: [901 K Street NW, Suite 200, Washington, DC 20001](#). Did the campaign and IE operate from the same location?
- 4) Importantly, Safe & Affordable DC registered with OCF on January 20, 2026, BUT there is evidence that it was operating and spending funds as early as December 19, 2025, the date on which it paid for and registered its website with ICANN as proven here <https://who.is/whois/safeandaffordabledc.com> and, see also, the image that appears at the end of this email.
- 5) Again, did the campaign and IE operate from the same office space? As proven, Safe & Affordable was operating before registering with OCF on January 20, 2026.

In summary:

- Local 25 and JLG share staff.
- Safe & Affordable DC and Local 25 share staff.
- JLG, Local 25 and Safe & Affordable DC seem to have shared the same offices.
- JLG, Local 25, and Safe & Affordable DC share a common objective.

OCF acknowledged receipt of the Supplement and forwarded a copy to the Committee. On May 4, 2026, OCF additionally advised the Board of Elections that the complaint had been accepted and a Full Investigation had commenced. OCF also included the information in its presentation during the scheduled Board of Elections Monthly Meeting on May 6, 2026. After notifying the Committee of the investigation OCF transmitted questions to the Individuals who had been identified in the complaint as possible witnesses or participants in the alleged improper activity.

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Summary of Evidence:

On May 26, 2026, OCF transmitted questions related to the investigation to Kelsey Garnatz. On May 29, 2026, Joseph Steinberg, Esq. entered his appearance as counsel for Safe and Affordable DC and advised that additional time was required to submit responses to the questions. The request was granted.

On June 6, 2026, OCF received responses from Kelsey Garnatz. Pursuant to the completion of the investigation which included a review of the allegations in the complaint, examination of the OCF and FEC Financial Reports for the JLG PCC, the Safe and Affordable IEC, and the Workers Vote PAC, evidence submitted and the applicable statutory and regulatory authority, OCF issued an order on June 12, 2026, which included the following conclusions:

- 1) 1.The Committee violated of D.C. Official Code § 1-1163.08(a) - Reimbursing a staffer for payment of an expenditure that was paid by a personal credit card not affiliated with the depository for the candidate nor committee and 3 DCMR § 3711.2(v); and should be fined \$4,000.00 for Making an Expenditure in excess of the expenditure limitations;
- 2) The Committee should be fined \$4,000.00 for a violation of 3 DCMR §3711.2(l) - Accepting contributions in excess of the contribution limits;
- 3) The Committee should be fined \$4,000.00 for a violation of 3 DCMR 3711.4(y) - Failing to comply with the Fair Elections requirements; and
- 4) The Committee should be fined \$4,000.00 for a violation of 3 DCMR 3711.4(aa) - Making expenditures for any purpose prohibited under § 4209.
- 5) The Director should impose a fine of \$4,000 against Safe & Affordable DC, an independent expenditure committee, for a violation of 3 DCMR Section 3711.4(m) – Making a contribution in excess of contribution limitations.*

**The Order's citation to 3 DCMR § 3711(m) is hereby clarified to reflect the correct citation of 3 DCMR § 3711.2 (m) - "Making a contribution in excess of contribution limitations: four thousand dollars (\$4,000)." This correction does not alter the substance of the violation, the application fine amount, nor the Director's authority to impose the fine. The violation, the fine amount, and the regulatory provision are correctly identified - the citation is clarified solely to reflect the precise subsection designation.*

A timely Motion for Reconsideration was filed in accordance with Title 3 of the District of Columbia Municipal Regulations § 3709.13.

Motion for Reconsideration

Counsel for Safe and Affordable asserts the following in his Motion for Reconsideration:

I. District of Columbia Law Prescribes specific Procedures for Conducting Investigations, and the 30-Day Period to Determine whether OCF Would Conduct a “Full Investigation” Has passed, so OCF’s Investigation Ended Prior to the Order’s issuance.

a. OCF Conducted a “Preliminary Investigation” into the Committee not a “Full Investigation.”

This argument is without merit. When OCF notified the Committee of the original complaint and provided a copy on April 24, 2026, the Committee was advised that “the complaint has been accepted and an Investigation has been opened... you may submit the responses you deem appropriate...If you have any question please contact me...” Safe and Affordable’s treasurer Kelsey Garnatz provided written responses to the allegations on May 1, 2026, and attached a Document which was identified as “Firewall Policy”. Counsel provided written responses to the questions OCF transmitted on June 6, 2026. Neither Counsel nor Garnatz questioned the category in which the investigation was assigned at any time during the process.

OCF Investigations are conducted in accordance with Title 3 of the District of Columbia Municipal Regulation (3DCMR).

3 DCMR § 3700 provides in pertinent part that:

3700.3 Investigations shall be identified as one (1) of the following:

- (a) Internal Inquiry;
- (b) Preliminary Investigation; or
- (b) Full Investigation

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From the beginning the investigation was identified as a Full Investigation. The FI in the Docket Number OCF FI 2026-007 denotes Full Investigation and clearly Identifies the category in which the Investigation has been assigned.

3 DCMR § 3700 further provides in pertinent parts that:

- 3704.1 “A full investigation regarding any alleged violation of the Act or Chapters 30-42 of this title shall commence upon a finding of reasonable cause by the Director and notice to the respondent that a full investigation has commenced.
- 3704.7 Within ninety (90) days of receipt of any complaint, the Director shall:
- (a) Cause evidence to be presented to the Board, if sufficient evidence exists constituting an apparent violation, pursuant to § 3706;
 - (b) Dismiss the complaint, if insufficient evidence exists to present the matter, pursuant to § 3705; or
 - (c) Impose civil penalties, pursuant to § 3711, upon a determination that a violation of the reporting and disclosure requirements prescribed by the Act and/or Chapters 30-42 of this title has occurred.”

II. The Fines Imposed against the Committee are unlawful because the Board of Elections Regulations require the Director to Either to Find Reasonable cause and Notify the Committee that It Had Begun a Full Investigation or Hold an Informal hearing, But OCF failed to Take any of These Actions.

- a. The Director May only Impose Fines After Conducting Either a “Full Investigation” or an “Informal Hearing”.**

This characterization of the Regulatory Authority of the Office of Campaign Finance does not provide grounds for the Director to Reconsider or as counsel suggests vacate the order. In the instant case, OCF commenced a Full Investigation upon receipt of the complaint because of the gravity of the allegation. Upon completion of the Full Investigation, OCF issued an order in which fines were imposed. There were no deviations from the statutory and regulatory requirements.

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§ 1-1163.35 provides at Paragraphs (a) (2)(A) and (B):

- (A) A candidate or other person charged with the responsibility under this subchapter for the filing of any reports or other documents required to be filed pursuant to this subchapter who fails, neglects, or omits to file any such report or document at the time and in the manner prescribed by law, or who omits or incorrectly states any of the information required by law to be included in such report or document, in addition to any other penalty provided by law, may be assessed a civil penalty of not more than \$4,000 for the first offense and not more than \$10,000 for the second and each subsequent offense.
- (B) A political committee, political action committee, or independent expenditure committee that violates [Part B of this subchapter](#) shall be subject to a civil penalty not to exceed \$4,000 for the first offense, and not more than \$10,000 for the second and each subsequent offense.

Further, § 1-1163.35 (a) (4) specifically authorizes the Director of Campaign Finance to impose fines administratively for violations of the Campaign Finance Act as follows:

(4) Notwithstanding the provisions of paragraph (3) of this subsection, the Campaign Finance Board may issue a schedule of fines that may be imposed administratively by the Director of Campaign Finance for violations of Parts A through E of this subchapter. A civil penalty imposed under the authority of this paragraph may be reviewed by the Campaign Finance Board in accordance with the provisions of paragraph (3) of this subsection. The aggregate amount of penalties imposed under the authority of this paragraph may not exceed \$4,000.

In addition, 3DCMR§ 3711 provides in pertinent part that:

- “3711.1 Upon a determination, pursuant to §§ 3704 or 3709, that a violation has occurred, the Director may ministerially impose fines upon the candidate, treasurer, committee, designated agent under § 3000.12, or any other person, in the following manner:
- (a) Each allegation shall constitute a separate violation;”

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Accordingly, the Motion for Reconsideration has not provided any evidence that OCF committed any procedural errors or irregularities.

Therefore, I conclude that the arguments presented do not provide any valid grounds for reconsideration of the previous order dated June 12, 2026.

June 23, 2026
Date

/s/ William O. SanFord
William O. SanFord
General Counsel

Accordingly, it is hereby ordered that: The Motion for Reconsideration (Docket No.: OCF FI 2026 -007) is denied.

June 23, 2026
Date

/s/ Cecily E. Collier-Montgomery
Cecily E. Collier- Montgomery
Director

This Order may be appealed to the Board of Elections within 15 days from the date of issuance.

CERTIFICATE OF SERVICE

This is to certify that I have served a true copy of the foregoing Order on Joseph Steinberg Esq, by email at Trister, Ross, Schadler & Gold, PLLC <jsteinberg@tristerross.com> on this the 23rd day of June 2026.

/s/ William O. SanFord
William O. SanFord
General Counsel

CERTIFICATE OF SERVICE

This is to certify that I have served a true copy of the foregoing Request for Hearing De Novo on Board of Elections General Counsel Terri Stroud by email at tstroud@dcboe.org, OCF Director Cecily E. Collier-Montgomery by email at cecily.collier-montgomery@dc.gov, and OCF General Counsel William O. Sanford by email at william.sanford@dc.gov on this the 8th day of July, 2026.

By: /s/ Joseph W. Steinberg

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Counsel to Safe and Affordable DC