



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

June 13, 2017

Citizens for Safe Communities PAC
Sent Electronically to Josie Delvin, Treasurer at "josie@owt.com"

Subject: Final Order, Citizens for Safe Communities PAC, PDC Case 16062

Dear Ms. Delvin:

Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case 16062. The Commission assessed a civil penalty of \$650 in accordance with the Stipulated agreement, of which \$450 is suspended on the following conditions:

1. You pay the \$200 non-suspended portion of the penalty within 30 days of receiving this Order.
2. Respondent Citizens for Safe Communities PAC commits no further violations of RCW 42.17A or WAC 390 for four years from the date of the Order.

The PDC received the \$200 penalty payment from you, and staff will be forwarding your payment to the WA State Treasurer, at the address listed below.

WA State Treasurer - Public Disclosure Commission
Financial Office
PO Box 41465
Olympia, WA 98504-1465

Thank you for your participation and cooperation throughout this process. If you have questions, please contact me at (360) 664-8854; or by email at kurt.young@pdcc.wa.gov.

Sincerely,

Kurt Young
Compliance Officer

Enclosure

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**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In re the Matter of Enforcement Action
Against:

PDC CASE NO. 16062

Citizens for Safe Communities PAC,

FINAL ORDER

Respondent.

I. INTRODUCTION

This matter was heard by the Washington State Public Disclosure Commission (Commission) on May 25, 2017 at the Public Disclosure Commission Office, 711 Capitol Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to RCW 34.05, RCW 42.17A, and WAC 390-37. The proceeding was open to the public and recorded.

Commissioners Anne Levinson, Chair, John Bridges, Vice Chair, Katrina Asay, Jack Johnson and David Ammons were present. Kurt Young, Compliance Officer, presented the matter on behalf of Public Disclosure Commission Staff (Staff). Chad Standifer, Assistant Attorney General, was also present on behalf of Staff. Respondent Citizens for Safe Communities PAC was present through Josie Delvin, treasurer. Also present during the hearing was Penny Allen, Assistant Attorney General, on behalf of the Commission, and Heather Kintzley, Richland City Attorney, Bronson Brown, West Richland City Attorney, Howard Saxton, Prosser City Attorney, and Lisa Beaton, Kennewick City Attorney who all appeared by phone.

1 The parties submitted to the Commission a proposed Stipulation as to Jurisdiction, Facts,
2 Violation and Penalty (Stipulation). The Commission determined that the Stipulation would be
3 accepted without modification.

4 After reviewing the record, including the Stipulation, listening to the parties'
5 presentations, the Commission HEREBY ORDERS that the following Findings of Fact,
6 Conclusions of Law, and Final Order of the Commission be entered:

7 **II. FINDINGS OF FACT**

8 1. On February 14, 2014, the Citizens for Safe Communities PAC (CSC PAC) filed
9 a Committee Registration (C-1pc report) registering as a local Benton County ballot committee
10 in support of the August 5, 2014, law and justice sales tax ballot proposition.

11 2. CSC PAC was a first-time political committee comprised of local elected and
12 appointed officials in Benton County and the C-1pc filed by CSC disclosed the committee
13 selected the Full Reporting option, and listed Al Wehner (Captain City of Richland Police
14 Department) as the Campaign or Committee Manager; Josie Delvin (Benton County Clerk) as
15 Committee treasurer, and Andy Miller (Benton County Prosecutor), and Ken Hohenberg (Police
16 Chief of Kennewick) as Steering Committee members.

17 3. On March 4, 2014, the Benton County Commissioners approved Resolution 14-
18 5, and placed a ballot proposition on the August 5, 2014 primary election ballot, to increase the
19 sales and use tax to fund law and justice needs throughout Benton County.

20 4. CSC PAC disclosed receiving a total of \$29,296 in total contributions and made
21 expenditures totaling \$29,296. CSC received \$27,200 in monetary contributions from 55
22 different contributors, and three in-kind contributions totaling \$2,096. CSC PAC received 42
23 monetary contributions from individuals totaling \$16,300, and 13 monetary contributions from
24 local businesses, associations, unions, not-for-profit organizations, and other entities totaling
25 \$10,900.

1 **Allegation #1: Failure to timely file C-3 and C-4 reports**

2 5. The initial paper-filed C-4 reports, and the paper-filed C-3 reports submitted by
3 CSC PAC were filed at the same time, and contained contribution and expenditure information
4 that was disclosed for incorrect and overlapping reporting periods (i.e.- April 9 to May 9 and
5 May 9 to June 9, 2014, instead of April 1-30 and May 1-31, 2014).

6 6. Two of the paper-filed C-4 reports were filed late by CSC PAC disclosing
7 \$12,696 in contributions received and \$3,770 in expenditures made, including the initial C-4
8 report which was filed three days late, and the March 10 to April 9, 2014 C-4 report which was
9 filed four days late.

10 7. CSC PAC filed a number of C-3 reports (manually on paper) that included
11 multiple bank deposits, and those contributions were not timely disclosed on a separate C-3
12 report. The late filed contributions totaled \$12,450, were disclosed one to 22 days late, and were
13 required to have been disclosed on a separate C-3 report, and represented 42.5% of all
14 contributions received.

15 **Allegation #2: Failure to timely file C-3 and C-4 reports electronically**

16 8. The electronic filing requirements in RCW 42.17A.245 requires political
17 committees expending or expecting to expend \$5,000 in the current year to comply with the law
18 and file the C-3 and C-4 reports using the PDC's Online Reporting of Campaign Activity
19 (ORCA) or similar campaign finance filing software.

20 9. CSC PAC made a \$1,370 expenditure on May 27, 2014 to Diane Wehner, to
21 reimburse her for an out-of-pocket purchase for committee yard signs. When combined with
22 other CSC expenditures incurred prior to May 27, 2014, the \$1,370 expenditure resulted in CSC
23 PAC's expenditures totaling \$5,751, which exceeded the \$5,000 electronic filing expenditure
24 threshold.

25 10. CSC PAC was required to file its committee C-3 and C-4 reports electronically
26 using ORCA or similar campaign finance filing software on May 27, 2014. On July 31, 2014,

1 CSC PAC electronically filed its C-3 and C-4 reports, six days before the August 5, 2014 primary
2 election date.

3 11. CSC PAC electronically filed the C-3 and C-4 reports 64 days late, based on the
4 required electronic filing date of May 27, 2014.

5 **Allegation #3: Failure to timely disclose required contributor and vendor information**

6 12. The initial paper-filed C-4 reports submitted by CSC PAC failed to disclose the
7 complete address for vendors disclosed on the Schedule A to C-4 report.

8 13. The initial paper-filed C-3 reports submitted by CSC PAC failed to disclose the
9 complete address for contributors of \$25 or more, and the Employer and Occupation information
10 for contributions received from individuals of more than \$100.

11 14. On August 9, 2014, four days after the primary election was held, CSC PAC re-
12 filed all of the paper filed C-3 and C-4 reports electronically, disclosing the complete mailing
13 address for most contributors and vendors. In addition, the amended C-3 reports filed by CSC
14 PAC provided the Occupation and Employer for 23 individual contributors that made monetary
15 contributions of more than \$100.

16 15. CSC PAC listed "Unknown" for both the Occupation and Employer for five
17 individuals who made monetary contributions of more than \$100.

18 16. Ms. Delvin stated she experienced many technical issues and filing problems in
19 using the ORCA software. She stated that she had multiple contacts with PDC Filing Specialists
20 regarding those issues in her attempts to comply with the reporting requirements, and in filing
21 amended reports.

22 17. Ms. Delvin stated that she made her best effort to comply with the PDC statutes,
23 rules and reporting requirements for a ballot measure committee, and acknowledged that she
24 made some errors and she takes responsibility for those mistakes. She stated that none of the
25 errors or filing discrepancies were intentional on her part, except for initially not disclosing law
26 enforcement and public officials' addresses on the C-3 reports.

1 18. Ms. Delvin stated that she made her “honest, best effort” and that the errors she
2 made “were not malicious”. She stated that the Citizens for Safe Communities filed its final C-
3 4 report after the election and does not exist, and that any penalty assessed against the committee
4 will be paid by her personally.

5 III. CONCLUSIONS OF LAW

6 1. The Commission has jurisdiction over this proceeding pursuant to RCW 42.17A,
7 the State campaign finance and disclosure law; RCW 34.05, the Administrative Procedure Act,
8 and WAC 390.

9 2. RCW 42.17A.235 and .240 states in part that a political committee must timely
10 file, accurate reports of contribution and expenditure information at pre-determined intervals,
11 including monthly and 21-day and 7-day pre-election C-4 reports, and monthly and weekly C-3
12 reports.

13 Subsection (2) of .240 states that committee’s must disclose on C-3 reports
14 “The name and address of each person who has made one or more
15 contributions during the period, together with the money value and date of
16 each contribution and the aggregate value of all contributions received from
17 each person during the campaign, or in the case of a continuing political
18 committee, the current calendar year.”

19 Finally, Subsection (6) of .240 states that C-4 reports must disclose “The
20 name and address of each person to whom an expenditure was made in the
21 aggregate amount of more than fifty dollars during the period covered by this
22 report, the amount, date, and purpose of each expenditure...”

23 3. RCW 42.17A.245 states in part that “each political committee that expended five
24 thousand dollars or more in the preceding year or expects to expend five thousand dollars or
25 more in the current year shall file all contribution reports and expenditure reports required by
26 this chapter by the electronic alternative provided by the commission under RCW 42.17A.055.

1 Failure by a candidate or political committee to comply with this section is a violation of this
2 chapter.”

3 4. WAC 390-16-034 states that “Pursuant to RCW 42.17A.240, each report required
4 under RCW 42.17A.235 shall disclose, in addition to the name and address of each person who
5 has made one or more contributions in the aggregate amount of more than one hundred dollars,
6 the occupation and the name and address of the person's employer.”

7 5. Respondent Citizens for Safe Communities PAC violated the following:

- 8 • RCW 42.17A.235 and .240 by failing to timely file Monetary Contribution
9 reports (C-3 reports) and Summary, Full Report Receipts and Expenditures (C-4
10 reports).
- 11 • RCW 42.17A.240 by failing to provide the required contributor information
12 including an address, City, State and Zip Code on C-3 reports, and the required
13 vendor information including an address, City, State and Zip Code on C-4 reports.
- 14 • RCW 42.17.245 by failing to timely file C-3 and C-4 reports electronically using
15 the Online Reporting of Campaign Activity disclosing contribution and
16 expenditure activities.
- WAC 390-16-034 by failing to provide the occupation, and the name and address
of the person's employer for each individual person who has contributed more
than \$100 to the committee in the aggregate.

17 IV. ORDER

18 Based upon the findings and conclusions, the Commission orders that:

19 1. Respondent Citizens for Safe Communities PAC is assessed a total civil penalty
20 of \$650.00, of which \$450.00 is suspended on the following conditions:

- 21 a. Respondent Citizens for Safe Communities PAC pays the non-suspended portion
22 of the penalty within 30 days of receiving this Order.
- 23 b. Respondent Citizens for Safe Communities PAC commits no further violations
24 of RCW 42.17A or WAC 390 for four years from the date of the Order.
- 25 c. In the event Respondent Citizens for Safe Communities PAC fails to meet any of
26 the above terms of this order, the entire penalty of \$650.00, which includes the
suspended portion of the penalty (\$450.00) will become immediately due without
any further intervention of the Commission, and PDC Staff will refer any
outstanding debt to the Department of Enterprise Services (DES) for collection.

1 The Executive Director is authorized to enter this Order on behalf of the Commission.

2 So ORDERED this 12th day of June, 2017.

3 WASHINGTON STATE PUBLIC
4 DISCLOSURE COMMISSION

5 FOR THE COMMISSION:

6 
7 Peter Lavallee
8 Executive Director

9 *Copy of this Order mailed and emailed to:*
10 Citizens for Safe Communities, Respondent (josie@owt.com)
11 Kurt Young, PDC Staff (kurt.young@pdc.wa.gov)

12 I, Kurt Young, certify that I mailed a
13 copy of this order to the Respondent/ Applicant at his/her
14 respective ^{email} address ~~postage pre paid~~ on the date stated
herein. Kurt Young 6/13/17
Signed Date

15 NOTICE: RECONSIDERATION

16 PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY
17 FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE
18 (21) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY
19 REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR
THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE
WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY,
ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.

20 NOTICE: PETITION FOR JUDICIAL REVIEW

21 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,
22 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF
23 RCW 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER
24 MUST BE FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE
25 COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30)
26 DAYS AFTER THE DATE THIS FINAL ORDER IS SERVED UPON YOU.