

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

In the Matter of Enforcement Action Against:	PDC Case 16062
Citizens for Safe Communities PAC	STIPULATION AS TO FACTS, VIOLATIONS AND PENALTY
Respondent.	

I. INTRODUCTION

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Evelyn Fielding Lopez, and Respondent Josie Delvin, Treasurer on behalf of the Citizens for Safe Communities PAC, a local Benton County political committee formed to support an August 5, 2014, local law and justice ballot measure, submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission suggests modifications to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

II. JURISDICTION

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance and disclosure laws; RCW 34.05, the Administrative Procedure Act; and WAC 390.

III. FACTS

1. On February 14, 2014, the Citizens for Safe Communities PAC (CSC PAC) filed a Committee Registration (C-1pc report) registering as a local Benton County ballot committee in support of the August 5, 2014, law and justice sales tax ballot proposition.
2. CSC PAC was a first-time political committee comprised of local elected and appointed officials in Benton County and the C-1pc filed by CSC disclosed the committee selected the Full Reporting option, and listed Al Wehner (Captain City of Richland Police Department) as the Campaign or Committee Manager; Josie Delvin (Benton County Clerk) as Committee treasurer, and Andy Miller (Benton County Prosecutor), and Ken Hohenberg (Police Chief of Kennewick) as Steering Committee members.
3. On March 4, 2014, the Benton County Commissioners approved Resolution 14-5, and placed a ballot proposition on the August 5, 2014 primary election ballot, to increase the sales and use tax to fund law and justice needs throughout Benton County.
4. CSC PAC disclosed receiving a total of \$29,296 in total contributions and made expenditures totaling \$29,296. CSC received \$27,200 in monetary contributions from 55 different contributors, and three in-kind contributions totaling \$2,096. CSC PAC received 42 monetary contributions from individuals totaling \$16,300, and 13 monetary contributions from local businesses, associations, unions, not-for-profit organizations, and other entities totaling \$10,900.

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

5. The initial paper-filed C-4 reports, and the paper-filed C-3 reports submitted by CSC PAC were filed at the same time, and contained contribution and expenditure information that was disclosed for incorrect and overlapping reporting periods (i.e.- April 9 to May 9 and May 9 to June 9, 2014, instead of April 1-30 and May 1-31, 2014).
6. Two of the paper-filed C-4 reports were filed late by CSC PAC disclosing \$12,696 in contributions received and \$3,770 in expenditures made, including the initial C-4 report which was filed three days late, and the March 10 to April 9, 2014 C-4 report which was filed four days late.
7. CSC PAC filed a number of C-3 reports (manually on paper) that included multiple bank deposits, and those contributions were not timely disclosed on a separate C-3 report. The late filed contributions totaled \$12,450, were disclosed one to 22 days late, and were required to have been disclosed on a separate C-3 report, and represented 42.5% of all contributions received.

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

8. The electronic filing requirements in RCW 42.17A.245 requires political committees expending or expecting to expend \$5,000 in the current year to comply with the law and file the C-3 and C-4 reports using the PDC's Online Reporting of Campaign Activity (ORCA) or similar campaign finance filing software.
9. CSC PAC made a \$1,370 expenditure on May 27, 2014 to Diane Wehner, to reimburse her for an out-of-pocket purchase for committee yard signs. When combined with other CSC expenditures incurred prior to May 27, 2014, the \$1,370 expenditure resulted in CSC PAC's expenditures totaling \$5,751, which exceeded the \$5,000 electronic filing expenditure threshold.
10. CSC PAC was required to file its committee C-3 and C-4 reports electronically using ORCA or similar campaign finance filing software on May 27, 2014. On July 31, 2014, CSC PAC electronically filed its C-3 and C-4 reports, six days before the August 5, 2014 primary election date.
11. CSC PAC electronically filed the C-3 and C-4 reports 64 days late, based on the required electronic filing date of May 27, 2014.

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

12. The initial paper-filed C-4 reports submitted by CSC PAC failed to disclose the complete address for vendors disclosed on the Schedule A to C-4 report.
13. The initial paper-filed C-3 reports submitted by CSC PAC failed to disclose the complete address for contributors of \$25 or more, and the Employer and Occupation information for contributions received from individuals of more than \$100.
14. On August 9, 2014, four days after the primary election was held, CSC PAC re-filed all of the paper filed C-3 and C-4 reports electronically, disclosing the complete mailing address for most contributors and vendors. In addition, the amended C-3 reports filed by CSC PAC provided the Occupation and Employer for 23 individual contributors that made monetary contributions of more than \$100.
15. CSC PAC listed "Unknown" for both the Occupation and Employer for five individuals who made monetary contributions of more than \$100.
16. Ms. Delvin stated she experienced many technical issues and filing problems in using the

- RCW 42.17.245 by failing to timely file C-3 and C-4 reports electronically using the Online Reporting of Campaign Activity disclosing contribution and 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.

VI. PENALTY

1. Based upon the Stipulation of Facts and Violations set forth above, Respondent Citizens for Safe Communities agrees to pay a total civil penalty of \$650, of which \$450 is suspended on the following conditions:

A. Citizens for Safe Communities pays the \$200 non-suspended portion of the penalty within 30 days of receiving this Order.

B. Citizens for Safe Communities commits no further violations of RCW 42.17A or WAC 390 for four years from the date of the Order.

C. In the event the Citizens for Safe Communities fails to meet the first term of the suspended penalty, the suspended portion of the penalty (\$450) shall become due without any further intervention of the Commission.

2. Respondent Citizens for Safe Communities affirms its intention to comply in good faith with the provisions of RCW 42.17A in the future.

BG Sandahl for E. Lopez
B682

~~Evelyn Fielding Lopez, Executive Director~~
 Public Disclosure Commission

BG Sandahl,
 Acting Executive Director

5/22/17

Date Signed

Josie Delvin for C.S.C.

Josie Delvin, on behalf of
 Citizens for Safe Communities PAC

5-19-17

Date Signed

ORCA software. She stated that she had multiple contacts with PDC Filing Specialists regarding those issues in her attempts to comply with the reporting requirements, and in filing amended reports.

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

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

III. STATUTORY AND RULE AUTHORITY

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

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

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

RCW 42.17A.245 states in part that each political committee that expended five thousand dollars or more in the preceding year or expects to expend five thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17A.055. Failure by a candidate or political committee to comply with this section is a violation of this chapter.

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

V. VIOLATIONS

Based on the Stipulation of Facts set forth above, the Citizens for Safe Communities agrees that the committee violated the following:

- RCW 42.17A.235 and .240 by failing to timely file Monetary Contribution reports (C-3 reports) and Summary, Full Report Receipts and Expenditures (C-4 reports).
- RCW 42.17A.240 by failing to provide the required contributor information including an address, City, State and Zip Code on C-3 reports, and the required vendor information including an address, City, State and Zip Code on C-4 reports.