

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

In the Matter of Enforcement Action  
Against:

Patrick K. McElligott

Respondent.

PDC Case 8911

**AMENDED STIPULATION AS TO  
FACTS, VIOLATIONS AND  
PENALTY FOR A BRIEF  
ADJUDICATIVE PROCEEDING**

The parties to this Stipulation, the Public Disclosure Commission (PDC) Staff, through its Executive Director, Peter Lavallee, and Respondent Patrick K. McElligott, submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Chair of 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 Chair of the Commission suggests modification 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 Full Commission.

**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.

**FACTS**

1. On July 9, 2015, Respondent Patrick K. McElligott filed a Candidate Registration (C-1 report) declaring his candidacy for East Pierce County Fire Commissioner in 2015, selecting the Full Reporting Option.
2. On October 15, 2015, the Committee to Elect Pat McElligott (Respondent's Campaign) filed one Monetary Contributions Report (C-3 report), and one Summary Full Campaign Contribution and Expenditure Report (C-4 report) manually on paper, prior to the 2015 general election being held.

3. The C-4 report filed by the Respondent's Campaign covered the period September 1 through September 30, 2015, and disclosed \$9,274 in contributions received and \$490 in expenditures made.
4. A 21-day Pre-General Election C-4 report was due to have been filed by the Respondent's Campaign on October 13, 2015, covering the period of September 1 through October 12, 2015. The 21-day Pre-General Election C-4 report was filed two days late, and the Respondent's Campaign failed to disclose contribution and expenditure activities for the first 12 days of October 2015.
5. The C-3 report that was filed by the Respondent's Campaign disclosed \$9,275 in monetary contributions that had been received during the period of September 1 through 28, 2015, from 18 contributors, of which most of the contributions were from local fire fighter associations in Washington State. The 18 contributions which should have been disclosed on three separate C-3 reports, were disclosed between 10 and 37 days late.
6. On July 12, 2017, Carol Wagner an individual performing ministerial duties for the Respondent's Campaign, sent an email to PDC staff and attached copies of three signed paper filed C-4 reports and two C-3 reports. The C-3 and C-4 reports disclosed \$10,395 in total contributions received for the 2015 election, and made \$8,595 in total expenditures, with a \$1,799 for a cash on hand balance.
7. The C-4 reports were filed between 550 and 639 days late by the Respondent's Campaign, and disclosed two expenditures made on October 8, 2015, to BDC Resources totaling \$4,347 to print and mail a flyer, an additional \$2,781 expenditure made to BDC Resources on October 15, 2015, for a flyer, and a \$500 expenditure to made to Ms. Wagner on December 1, 2015 for campaign work.
8. The C-4 reports also disclosed the Respondent's Campaign made two expenditures to Mr. McElligott reimbursing him for the printing costs for stickers (\$364 expenditure made on October 15, 2015), and for the costs of an ink cartridge (\$112 expenditure made on November 23, 2015).

9. The paper filed C-3 reports disclosed the Respondent's Campaign received \$1,120 in monetary contributions that included \$870 in monetary contributions that were deposited on October 16, 2015, and were received from three local firefighter associations. Based on the deposit date, a C-3 report was required to have been filed no later than October 19, 2015, and the C-3 report was filed 633 days late. In addition, a \$250 monetary contribution was deposited on November 2, 2015, which was received from another local firefighter association. The Campaign was required to have filed a C-3 report no later than December 10, 2015, and the C-3 report was filed 581 days late.
10. The Campaign made a \$364 expenditure on October 15, 2015, that when combined with other campaign expenditures brought the 2015 expenditure total to \$5,201, which exceeded the \$5,000 expenditure total and triggered the mandatory electronic filing requirements in accordance with RCW 42.17A.245. Based on that expenditure date, the Campaign exceeded \$5,000 in expenditures and was required to file its C-3 and C-4 reports electronically using the Online Reporting of Campaign Activity (ORCA) filing software or similar campaign finance filing software.
11. On September 7, 2017, Ms. Wagner electronically filed the C-3 and C-4 reports disclosing the contribution and expenditure activities for the 2015 election. The Campaign electronically filed the C-3 and C-4 reports for the 2015 election 694 days late.

### **STATUTORY AUTHORITY**

**RCW 42.17A.235** and **RCW 42.17A.240** requires candidates only appearing on the general election ballot that are under the Full Reporting option to file timely, accurate reports of contributions and expenditures, including 21-day and 7-day Pre-General C-4 reports, and C-3 reports on a weekly basis. C-4 reports are required to be filed 21 and 7 days before each election, and in the month following the election, regardless of the level of activity.

**RCW 42.17A.245** requires candidates that expended five thousand dollars or more in the preceding election, or expects to expend five thousand dollars or more in the current election, to file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission.

## **VIOLATIONS**

Based on the Stipulation of Facts set forth above, Respondent Patrick K. McElligott stipulates that he violated: (1) RCW 42.17A.235 and 42.17A.240 by failing to timely file C-3 and C-4 reports disclosing contribution and expenditure activities undertaken by his 2015 Campaign for Fire Commissioner; and (2) RCW 42.17A.245 by failing to timely file C-3 and C-4 reports electronically disclosing contribution and expenditure activities.

## **AGGRAVATING AND MITIGATING FACTORS**

In determining the appropriateness of the civil penalty, staff reviewed the penalty factors set forth in WAC 390-37-182. In the matter at hand, it is an aggravating factor that the noncompliance deprived the public of information during a time-sensitive period prior to an election for a candidate that appeared on the general election ballot.

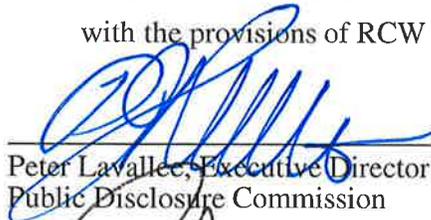
It is likewise an aggravating factor that, since the C-3 and C-4 reports were only filed on paper prior to the 2015 general election, the public would have had to utilize the “View the actual reports” on the PDC website to see the contribution and expenditure details, rather than querying that information in the PDC database.

It is a mitigating factor that the Respondent's campaign was unsophisticated and small. It is likewise a mitigating factor that the complaint was filed 346 days after the November 3, 2015 general election had been held, and that PDC staff informed Mr. McElligott about the complaint and the missing reports 556 days after the complaint was initially filed. Finally, it is a mitigating factor that Mr. McElligott was not aware that his Campaign finance reports were out of compliance, and the noncompliance did not appear to have had a significant or material impact on the public.

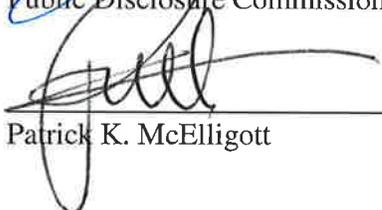
## **PENALTY**

1. Based upon the Stipulation of Facts and Violations set forth above, and in accordance with the Penalty Schedule adopted by the Commission in WAC 390-37-143 for Brief Enforcement Hearings, Respondent Patrick K. McElligott agrees to pay a total civil penalty of \$500 with \$250 suspended on the following conditions:

- a. Respondent Patrick K. McElligott is not found to have committed any further violations of RCW 42.17A or WAC 390 within four years of the date of the order in this matter.
  - b. Respondent Patrick K. McElligott pays the non-suspended portion of the penalty (\$250) within thirty days from the date of the final order.
  - c. Respondent Patrick K. McElligott is in compliance with the PDC reporting requirements.
2. Respondent Patrick K. McElligott affirms his intention to comply in good faith with the provisions of RCW 42.17A and WAC 390 in the future.

  
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Peter Lavalley, Executive Director  
Public Disclosure Commission

2/16/2018  
Date Signed

  
\_\_\_\_\_  
Patrick K. McElligott

2/16/2018  
Date Signed

