



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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

February 22, 2018

Patrick K. McElligott
22822 146th Street East
Orting WA 98360

Sent electronically to Mr. McElligott at "patolddog@gmail.com"

Subject: Order for PDC Case 8911

Mr. McElligott:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. At the February 16, 2018 Brief Enforcement Hearing, the Presiding Officer accepted the signed Stipulation as to Facts, Violations and Penalty, that included a \$500 civil penalty, of which \$250 is suspended based on the following conditions: (1) no further violations of RCW 42.17A or WAC 390 are committed for four years from the date of this Order; (2) the \$250 non-suspended portion of the penalty is paid within 30 days from the date of the Order; and (3) you are in compliance with the PDC reporting requirements.

The \$250 non-suspended portion of the penalty is payable within 30 days of this Order or not later than March 24, 2018. Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:

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

Thank you for your participation at the Hearing, and your cooperation throughout this process. If you have any questions, please contact me at (360) 664-8854 or send by email.

Sincerely,

Kurt Young
Compliance Officer

Enclosure



Public Disclosure Commission
Shining Light on Washington Politics Since 1972



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re Compliance with RCW 42.17A

Patrick K. McElligott

Respondent.

PDC Case 8911

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

A Brief Adjudicative Proceeding (Brief Enforcement Hearing) was held by the Public Disclosure Commission (PDC) on February 16, 2018, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent Patrick K, McElligott, a 2015 candidate for Fire Commissioner for East Pierce County Fire and Rescue, violated: (1) RCW 42.17A.235 and .240 by failing to timely file Monetary Contribution reports (C-3 reports) disclosing contributions received by his Campaign, and Summary Campaign Contribution and Expenditure reports (C-4 reports) disclosing the details of contribution and expenditure activities undertaken by the Campaign; and (2) RCW 42.17A.245 by failing to timely file C-3 and C-4 reports disclosing contribution and expenditure information electronically using the Online Reporting of Campaign Activities (ORCA) software provided by the Commission.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to the Respondent, Patrick K. McElligott on February 2, 2018. Commission Chair Anne Levinson was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent participated in person and provided testimony to the Presiding Officer.

Stipulation

The parties jointly submitted a signed Stipulation as to Facts, Violations and Penalty. Mr. Young summarized the Stipulation and asked the Presiding Officer to accept the Stipulation as to Facts, Violations and Penalty. Mr. McElligott provided testimony and requested the Presiding Officer to accept the Stipulation as to Facts, Violations and Penalty. The Presiding Officer accepted the Stipulation as to Facts, Violations and Penalty.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

Based upon the Stipulation as to Facts, Violations and Penalty, which is hereby attached and incorporated by reference, the Presiding Officer finds:

1. The facts are established as provided in the Stipulation.
2. Mr. Young provided testimony concerning additional mitigating factors for the Presiding Officer to consider, that included the following: (a) The Respondent has no prior PDC violations, including filing the Lobbyist Monthly Expense reports (L-2 report) as a registered lobbyist and the Personal Financial Affairs Statements (F-1 reports) as a state agency board member, dating back to 1996; (b) The Respondent is in compliance with the PDC reporting requirements concerning his most recent F-1 report.; and (c) The Respondent's Campaign disclosed 89% of the monetary contributions received prior to the 2015 general election being held.

CONCLUSIONS OF LAW

Based upon the Stipulation as to Facts, Violations and Penalty, which is hereby attached and incorporated by reference, the Presiding Officer concludes the following:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.235 and .240 by failing to timely file C-3 and C-4 reports.
3. The Respondent violated RCW 42.17A.245 by failing to timely file C-3 and C-4 reports disclosing contribution and expenditure information electronically using the Online Reporting of Campaign Activities (ORCA) software provided by the Commission.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent, Patrick K. McElligott is assessed a \$500 civil penalty, of which \$250 is suspended on the following conditions:

- 1. The Respondent commits no further violations of RCW 42.17A or WAC 390 for four years from the date of the Order.**
- 2. The \$250 non-suspended portion of the penalty is paid within 30 days by the Respondent from the date of the Order.**
- 3. The Respondent is compliant with all required PDC reports and reporting requirements.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 22nd day of February, 2018.

Public Disclosure Commission



Peter Lavallee
Executive Director

I, <u>Kurt Young</u> , certify that I mailed a copy of this order to the Respondent/Applicant at his/her respective address postage pre-paid on the date stated herein.	
Signed <u>Kurt Young</u>	Date <u>2/22/18</u>

Enclosure: Stipulation as to Facts, Violations and Penalty.

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request orally or in writing, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1). Staff may ask for written confirmation of oral requests for review.
- **REQUESTS FOR REVIEW MUST BE RECEIVED AT THE COMMISSION OFFICE WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE POSTMARK DATE OF THIS INITIAL ORDER.**
- Written requests for review should be delivered or mailed to the Washington State Public Disclosure Commission, 711 Capitol Way, Room 206, Box 40908, Olympia, WA 98504-0908.

If review of this initial order is timely requested, the full Commission will hear the matter.

If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4).

The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the final order. *See* WAC 390-37-142(5).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.552.