



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

March 5, 2018

Attn: Curtis Janhunnen, Legal Counsel for Patrick Myers
C/O Brown Lewis Janhunnen & Spencer
PO Box 111
Montesano, WA 98563

Sent electronically to Mr. Janhunnen at "kellykaech@hotmail.com"

Subject: Order for PDC Case 8116

Mr. Janhunnen:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. At the February 27, 2018, Commission Enforcement Hearing, the Commission accepted the signed Stipulation as to Facts, Violations and Penalty, that included a \$1,500 civil penalty assessed against your client, Patrick Myers, of which \$500 is suspended based on the following conditions:

1. Mr. Myers commits no further violations of RCW 42.17A or WAC 390 for four years from the date of this Order.
2. The \$1,000 non-suspended portion of the penalty is paid within 30 days from the Order date; and
3. Mr. Myers in compliance with the PDC reporting requirements.

The \$1,000 non-suspended portion of the penalty is payable within 30 days of this Order or not later than April 4, 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 client's cooperation throughout this process.

If you have any questions, please contact me at (360) 664-8854 or by email.

Sincerely,



Kurt Young
PDC Compliance Officer

Enclosure



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

In re the Matter of Enforcement Action
Against:

Patrick Myers,

Respondent.

PDC CASE NO. 8116

FINAL ORDER

I. INTRODUCTION

This matter was heard by the Washington State Public Disclosure Commission (Commission) on February 27, 2018, 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. This matter was heard concurrently with PDC Case No. 7946 (Richard Anderson).

Commissioners present included Anne Levinson, Commission Chair (presiding); Jack Johnson, Commission Vice-Chair; and Commissioners David Ammons and William Downing. Also present were Assistant Attorney General Scott Douglas representing the Commission; Kurt Young, Compliance Officer on behalf of PDC Staff; and Assistant Attorney General Chad Standifer on behalf of PDC Staff. Respondent Patrick Myers did not participate in the proceeding but was represented by Curtis Janhunen who appeared telephonically. The proceeding was open to the public and recorded.

The hearing concerned allegations that Respondent Patrick Myers Violated RCW

1 42.17A.145 and .255(4) by filing false campaign finance reports disclosing newspaper
2 advertisements as independent expenditures and electioneering communications made in support
3 of Richard Anderson, rather than in-kind contributions made in support of Mr. Anderson's
4 campaign.

5 The Commission had before it the following materials:

- 6 • Notice of Administrative Charges dated December 27, 2017;
- 7 • Report of Investigation prepared by PDC Compliance Officer Kurt Young, dated December
8 27, 2017;
- 9 • February 16, 2016, Candidate Registration filed by Richard Anderson declaring his
10 candidacy for Pacific County PUD Commissioner, District #2, in 2016;
- 11 • Amended C-1 report filed by Richard Anderson listing himself as Treasurer;
- 12 • August 30, 2016, complaint filed by Ron Brummel against Richard Anderson and Pat Myers;
- 13 • C-6 reports filed by Pat Myers on behalf of Willapa Harbor Herald;
- 14 • August 30, 2016, email from Pat Myers responding to the complaint filed by Ron Brummel;
- 15 • May 19, 2017, response from Pat Myers to PDC staff request for information;
- 16 • July 19, 2017, response from Pat Myers to PDC staff request for additional information;
- 17 • May 30, 2017, response from Richard Anderson providing additional information to the
18 • initial response provided by Pat Myers;
- 19 • 2014 flyer inserted into Willapa Harbor Herald newspaper in support of Mike Swanson's
20 re-election efforts for Pacific County PUD Commissioner;
- 21 • Email exchange between PDC staff and Patrick Myers concerning the 2014 Mike Swanson
22 flyer inserted into Willapa Harbor Herald newspapers; and
- 23 • Stipulation As To Facts, Violations, and Penalty submitted by the parties, signed on February
24 22, 2018.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

II. STIPULATION

The parties jointly submitted a signed Stipulation as to Facts, Violations, and Penalty (Stipulation). Mr. Standifer summarized the Stipulation and the Commission voted 4-0 to accept the Stipulation.

III. FINDINGS OF FACT

1. On February 16, 2016, Richard E. Anderson filed a Candidate Registration (C-1 report) with the PDC declaring his candidacy for Pacific County PUD Commissioner District #2, Position No. 3 in 2016.

2. Mr. Anderson was a first-time candidate for public office in 2016, and selected the Mini Reporting Option.

3. Mr. Anderson listed Patrick S. Myers as his Campaign Treasurer and only officer. Mr. Myers is also the Publisher of the Willapa Harbor Herald, a local newspaper in Pacific County, and he served in that capacity during the entire time he served as Mr. Anderson's Treasurer.

4. Between May 25 and the August 2, 2016 primary election, the Willapa Harbor Herald sponsored a banner or full-page advertisement in support of Mr. Anderson's candidacy in almost every weekly edition of the Willapa Harbor Herald.

5. While serving as Mr. Anderson's Treasurer, Mr. Myers, as Publisher of the Willapa Harbor Herald, filed a total of 19 C-6 reports disclosing that the Herald ran 19 banner or full-page newspaper advertisements in support of Mr. Anderson with a total value of \$10,140.

6. Mr. Myers signed each C-6 report declaring, under the penalty of perjury, that each expenditure disclosed in support of Mr. Anderson's campaign was not "made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17A.005."

7. On September 14, 2016, Mr. Anderson filed an amended C-1 report removing Mr. Myers as the Treasurer for the Anderson campaign.

1 8. Since Mr. Myers was the Treasurer of Mr. Anderson's Campaign and, at the same time,
2 was authorizing the free newspaper advertisements to run in the Willapa Harbor Herald in
3 support of Mr. Anderson, those advertisements were not independent expenditures or
4 electioneering communications. Rather, the advertisements were reportable in-kind
5 contributions to the Richard Anderson campaign.

6 9. Regarding the newspaper advertisements that ran in the Willapa Harbor Herald, Mr.
7 Myers stated that he "created the message, as I knew of Mr. Anderson's positions from attending
8 the meetings." He also stated that he had "produced the large ad and it was placed by the
9 production department" of the Herald.

10 **IV. CONCLUSIONS OF LAW**

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

14 2. Respondent Patrick Myers violated RCW 42.17A.145 and .255(4) by filing false
15 campaign finance reports disclosing newspaper advertisements as independent expenditures and
16 electioneering communications made in support of Richard Anderson, when the advertisements
17 were in fact in-kind contributions made in support of Mr. Anderson's Campaign.

18 **V. ORDER**

19 The Commission accepts the stipulation of the parties, and based upon the Findings and
20 Conclusions therein, orders that:

21 1. Respondent Patrick Myers is assessed a total civil penalty of \$1,500, with \$500 of
22 the penalty suspended on the following conditions:

23 a. Respondent Patrick Myers pays the non-suspended portion of the penalty (\$1,000)
24 within 30 days from the date of entry of this Final Order;

25 b. Respondent Patrick Myers is in compliance with all PDC reporting requirements;
26

1 and

2 c. Respondent Patrick Myers is not found to have committed any further violations of
3 RCW 42.17A or WAC 390 within four years of the date of the Final Order in this matter.

4 2. If Respondent Patrick Myers fails to comply with any of the conditions of this Order,
5 the suspended portion of the penalty shall immediately become due without further action by the
6 Commission.

7 So ORDERED this 5th day of March, 2018.

8 WASHINGTON STATE PUBLIC
9 DISCLOSURE COMMISSION

10 FOR THE COMMISSION:

11 
12 Anne Levinson
13 Chair, Public Disclosure Commission

14 *Copy of this Order mailed and/or emailed to:*

15 Curtis Janhunen
16 Brown Lewis Janhunen & Spencer
17 PO Box 111
18 Montesano, WA 98563

19 Phil Stutzman, PDC Staff (phil.stutzman@pdc.wa.gov)

20 Chad Standifer, Assistant Attorney General (ChadS@atg.wa.gov)

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

23 Kurt Young 3/5/2018
24 Signed Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

NOTICE: RECONSIDERATION

Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon you. Any 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 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.

NOTICE: PETITION FOR JUDICIAL REVIEW

You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final Order must be filed with the court and also served upon both the Commission and the Office of the Attorney general within thirty (30) days after the date this Final Order is served upon you.