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

6 IN RE: Kim Wyman

PDC CASE NO. 6604

7 INITIAL ORDER

8 Respondent.
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10 This matter came before the Washington State Public Disclosure Commission
11 (PDC) on August 25, 2016 at the PDC Office, 711 Capitol Way, Room 206, Olympia,
12 Washington 98504. The hearing was held pursuant to RCW 34.05.482 and .485, and
13 WAC 390-37-140. The proceeding was open to the public, and audio recorded.
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15 Commission Chair Anne Levinson heard the matter and issued a ruling. Also
16 present were Evelyn Fielding Lopez, PDC Executive Director, and Assistant Attorney
17 General Penny Allen, counsel to the Commission. Jacob Berkey, PDC Compliance
18 Coordinator, presented on behalf of PDC staff. Respondent Kim Wyman and Dan
19 Brady, legal counsel for Ms. Wyman, appeared via telephone.
20

21 The Chair also considered the following written materials: Notice of
22 Administrative Charges dated August 11, 2016.

23 **I. FINDINGS OF FACTS**

24 1. This is the third complaint reviewed by the PDC this year regarding the
25 Wyman campaign. The first complaint, PDC case 3168, involved a violation of RCW
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1 42.17A.560, fundraising during the session freeze, and resulted in a Written Warning
2 pursuant to WAC 390-37-060(1)(b) on March 28, 2016. In the second complaint, PDC
3 case 5925, a citizen action complaint that alleged violations of RCW 42.17A.235 and
4 .240 for late or inaccurate reporting the PDC determined that there was an apparent
5 violation of campaign finance laws, and recommended action by the Attorney General's
6 Office on July 12, 2016.
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8 2. The Kim Wyman campaign filed a 21-day pre-primary Summary, Full Report
9 Receipts and Expenditures (C4) report on July 12, 2016.

10 3. On July 13, 2016 the PDC received a complaint that the Wyman campaign
11 failed to report expenditures in the 21-day pre-primary report. The complaint included
12 a copy of a campaign Facebook posting from July 10, 2016, that had images of yard
13 signs and a statement indicating the signs had been placed the previous weekend. The
14 expenditure for the signs was not reported on the July 12, 2016, C4 report.
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16 4. The Wyman campaign filed an amended C4 report on July 14, 2016, that
17 included the \$8603 expenditure for the yard signs. This amounted to 3% of the
18 campaigns overall spending and was reported 19 days before the primary election, two
19 days late based on PDC filing requirements.
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21 **II. CONCLUSIONS OF LAW**

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23 1. The Commission has jurisdiction to hear this matter pursuant to RCW 34.05
24 and WAC 390-37
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26

1 2. The Kim Wyman campaign for Secretary of State is in violation of RCW
2 42.17A.235 and .240 for failing to file expenditures on a C4 report within 21 days of the
3 primary election.

4 3. Because Ms. Wyman now has an amended C4 report on file, she is not
5 required to file another C4 report.
6

7 **III. ORDER**

8 Based upon the findings above, and the conclusion that a violation of RCW
9 42.17A.235 and .240 has occurred, the Chair orders as follows:

10 Ms. Wyman is assessed a penalty of \$500, with \$250 suspended so long as
11 Ms. Wyman pays the non-suspended portion of the penalty within ten days of the date
12 of this Order, and does not commit significant violations of RCW 42.17A or chapter
13 390 WAC for a period of four years from the date of this initial order.
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15 The Executive Director is authorized to enter this order on behalf of the
16 Commission.

17 So ORDERED this 26th day of August, 2016.

18 WASHINGTON STATE PUBLIC
19 DISCLOSURE COMMISSION

20 FOR THE COMMISSION:

21 
22 Evelyn Fielding Lopez
23 Executive Director

24
25 *Copy of this Order to: Kim Wyman, Dan Brady*
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INITIAL ORDER OF THE PUBLIC
DISCLOSURE COMMISSION
PDC CASE NO. 6604, Kim Wyman

I, Jacob Barkley, 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.

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NOTICE: REQUEST FOR FULL COMMISSION REVIEW

Pursuant to WAC 390-37-144, if you disagree with this initial decision and order you may request review of by the full Commission by filing a written request or making an oral request within twenty-one (21) business days after the date on this initial order. If you request review, you must state the reason for the review, and identify what alleged errors are contained in the initial decision order. Petitions must be delivered or mailed to the WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY, ROOM 206, PO BOX 40908, OLYMPIA WA 98504-0908.