



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 28, 2016

Brenda Fincher
325 Washington Avenue South – No. 128
Kent WA 98032

Sent electronically to Brenda Fincher “bfincher@holyspiritkent.org”

Subject: PDC Case No. 1431

Dear Ms. Fincher:

Enclosed is a copy of the Public Disclosure Commission’s Order Imposing Fine that was entered in the above-referenced case. The Presiding Officer assessed a \$600 civil penalty against your 2015 Campaign, of which \$500 of the penalty is suspended on the following conditions: (1) You commit no further violations of RCW 42.17A for four years from the date of the Order; and (2) The \$100 non-suspended portion of the penalty is paid within 30 days from the date of the Order.

Please pay the \$100 non-suspended portion of the penalty by April 28, 2016, and make the check or money order payable to the “WA STATE TREASURER.” Be sure to reference PDC Case No. 1431 in the memo line of the check or money order, and mail the penalty to:

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

Thank you for your participation in the Brief Enforcement hearing. If you have any questions, please contact me at (360) 664-8854; or by email at kurt.young@pdcc.wa.gov.

Sincerely,

Kurt Young
PDC Compliance Officer

Enclosures: Final Order in Case No. 1431
Information about Appeals and Enforcement of Final Orders



The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned land.
 The land described in the above-captioned instrument
 is situated in the County of [County Name], State of
 [State Name], and is more particularly described as
 follows:
 [Detailed description of the land, including acreage, location, and any other relevant details.]
 The land described in the above-captioned instrument
 is owned by [Owner Name], who is the [Relationship to Owner]
 of the land described in the above-captioned instrument.
 The land described in the above-captioned instrument
 is subject to the following conditions:
 [List of conditions or restrictions on the land.]
 The land described in the above-captioned instrument
 is subject to the following conditions:
 [List of conditions or restrictions on the land.]
 The land described in the above-captioned instrument
 is subject to the following conditions:
 [List of conditions or restrictions on the land.]



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Brenda Fincher
325 Washington Avenue South – No. 128
Kent WA 98032

In Re Compliance with RCW 42.17A

Brenda Fincher

Respondent.

PDC Case No. 1431

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

A brief enforcement hearing (brief adjudicative proceeding) was held by the Public Disclosure Commission (PDC) on March 15, 2016, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Brenda Fincher violated: (1) RCW 42.17A.235 and .240 by failing to timely file a Monetary Contributions report (C-3 report), and for failing to timely disclose expenditures, in-kind contributions and orders placed on Campaign Summary Contribution and Expenditures reports (C-4 reports); and (2) RCW 42.17A.220 by failing to timely deposit monetary contributions within five business days of receipt.

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 Brenda Fincher on March 1, 2016. Commission Chair Katrina Asay was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent participated by telephone and provided testimony to the Presiding Officer.

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

FINDINGS OF FACT

1. On December 18, 2014, the Respondent filed a Candidate Registration (C-1 report) declaring her candidacy for Kent City Council, Position No. 6, as a first-time candidate for public office, and selecting the Full Reporting option.
2. On December 10, 2015, the Respondent timely filed the Post General election C-4 report disclosing new liabilities for previously un-disclosed orders-placed that included \$436 for online political advertisements, and \$1,443 for campaign yard signs. The orders-placed were disclosed 44 days late by the Respondent.

3. On December 10, 2015, the Respondent also filed five amended C-4 reports, disclosing previously unreported campaign activities that included: (1) A \$249 in-kind contribution from the Respondent that was disclosed 153 days late; (2) Two in-kind contributions from the Respondent totaling \$303.05 for copying a campaign advertisement and food for a campaign event; and (3) A \$200 in-kind contribution from a local City of Kent business for the Respondent's September 8th campaign kickoff. The \$503 in late reported in-kind contributions were disclosed 59 days late and after the 2015 general election had been held.
4. On October 21, 2015, the Respondent filed a C-3 report disclosing \$3,586 in monetary contributions that had been received from September 8 through October 9, 2015, and deposited on October 21, 2015. The C-3 report included 23 monetary contributions of \$25 or more, that were disclosed between three and 30 days late.
5. Candidates are required to deposit all monetary contributions within five business days of receipt. The Respondent failed to timely deposit the 23 contributions listed on the C-3 report, which were deposited into the campaign bank account between five and 36 days late.
6. The Respondent apologized for the late reporting and took full responsibility for the failure to timely disclose in-kind contributions and orders-placed, and the October C-3 report for the monetary contributions received in September of 2015. She stated she thought she had timely provided her treasurer with the receipts for her out-of-pocket expenses, but that turned out to be an error.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

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 disclose expenditures and orders-placed for political advertisements in the form of campaign mailings on C-4 reports.
3. The Respondent violated RCW 42.17A.220 by failing to timely deposit monetary contributions within five business days of being received.

ORDER

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

IT IS HEREBY ORDERED that the Respondent is assessed a \$600 civil penalty, of which \$500 of the penalty is suspended on the following conditions:

1. **The Respondent commits no further violations of RCW 42.17A for four years from the date of the Order; and**
2. **The \$100 non-suspended portion of the penalty is paid within 30 days from the date of the Order.**

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

Entered this 28th day of March, 2016.

Public Disclosure Commission


Evelyn Fielding Lopez
Executive Director

I, Kurt Young, 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. Kurt Young 3/29/16

Enclosure: Information about Appeal Rights

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**INFORMATION ABOUT APPEALS OF INITIAL ORDERS,
FURTHER APPEAL RIGHTS,
AND ENFORCEMENT OF FINAL ORDERS**

APPEALS

REVIEW OF INITIAL ORDER - BY THE COMMISSION

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission **review** an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review. *WAC 390-37-144.*
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request. If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below.

If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable. If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order**. At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570.*

RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150.*

- Note: the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). (The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A **final order** issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.