



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

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Enforcement
Action Against

Brenda Fincher

Respondent.

PDC Case No. 1431

Notice of Administrative Charges
Brief Adjudicative Proceeding
(Brief Enforcement Hearing)

I. Jurisdiction

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the state campaign finance and disclosure laws; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

II. Allegations

2. Staff alleges that Brenda Fincher, a candidate for Kent City Council, Position No. 6 in the 2015 election, violated: (1) RCW 42.17A.235 and .240 by failing to timely file a Monetary Contribution report (C-3 report), and timely disclose expenditures, in-kind contributions and orders-placed, undertaken by the campaign on the Summary Campaign Contributions and Expenditures reports (C-4 reports); and (2) RCW 42.17A.220 by failing to timely deposit campaign contributions on a C-3 report dating back to September 1, 2015.

III. Facts

3. On December 18, 2014, Brenda Fincher filed a Candidate Registration (C-1 report) declaring her candidacy for Kent City Council, Position No. 6 in the 2015 election, and selecting the Full Reporting option.
4. Ms. Fincher was a first-time candidate seeking public office in 2015.

5. On December 10, 2015, the Brenda Fincher Campaign (Campaign) timely filed the Post General election C-4 report disclosing \$1,700 in expenditures made for campaign consulting, \$708 for online political advertisements, and \$650 for candidate robo-calls. The C-4 report also disclosed new liabilities that included \$436 for orders placed with Facebook for online political advertisements, and \$1,443 for two orders for yard signs. Some of those activities should have been disclosed as orders-placed on the 21 or 7-day Pre-General Election C-4 report.
6. In addition, the Campaign also filed five amended C-4 reports on December 10, 2015, disclosing several previous unreported campaign activities, that included the following:
 - June 2015 Amended C-4 report: The Campaign filed an amended June 2015 C-4 report disclosed a \$249 in-kind contribution from Ms. Fincher for dues paid for membership to the City of Kent Chamber of Commerce. The \$249 in-kind contribution from Ms. Fincher for Kent Chamber of Commerce dues were disclosed 153 days late and after the 2015 general election had been held.
 - 21-day Pre-General election C-4 report: The Campaign filed an amended 21-day Pre-General election C-4 report disclosed two in-kind contributions from Ms. Fincher totaling \$303.05 (\$210 for copies of a campaign advertisement; and \$93.05 to Costco for food for a campaign event); and a \$200 in-kind contribution from Mychal Bosier, the owner of Kona Kai coffee for the September 8th campaign kickoff. The \$503 in late reported activities were disclosed 59 days late and after the 2015 general election had been held.
 - 7-day Pre-General election C-4 report: The Campaign filed an amended 7-day Pre-General election C-4 report information included two orders placed totaling \$1,443.75 owed to Xpress Sign Company for campaign yard signs. The \$1,443.75 in orders placed for campaign yard signs was disclosed 44 days late.
7. On October 21, 2015, the Campaign filed a C-3 report disclosing \$3,586 in monetary contributions that had been received during the period of September 8 through October 9, 2015, and deposited on October 21, 2015. The C-3 report filed by the Campaign disclosed the receipt of 23 monetary contributions of \$25 or more totaling \$3,586 that were disclosed between three and 30 days late.

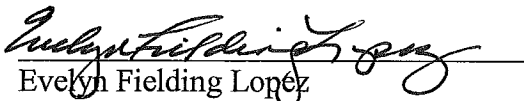
8. The \$3,586 on contributions received and disclosed on the C-3 report represented 25.7% of all contributions received by the Campaign.
9. PDC statutes require that candidates timely deposit all monetary contributions within five business days of receipt. The Campaign failed to timely deposit the 23 contributions on the October 21, 2013 C-3 report. Those contributions were deposited between five and 36 days late.

IV. Laws

RCW 42.17A.235 and **240** require continuing political committees to file timely, accurate reports of contributions and expenditures. Under the full reporting option, until five months before the general election, C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report. C-4 reports are also required 21 and 7 days before each election in which the committee makes expenditures, and in the month following the election. Contributions are reported weekly during this same time period, and must be disclosed on Monday for contributions deposited the previous seven days.

RCW 42.17A.220 states in part the following: "All monetary contributions received by a candidate or political committee shall be deposited by the treasurer or deputy treasurer in a depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution."

RESPECTFULLY SUBMITTED this 25th day of February, 2016.


Evelyn Fielding Lopez
PDC Executive Director

Handwritten header text, possibly a date or reference number.

First main line of handwritten text.

Second main line of handwritten text.

Third main line of handwritten text.

Fourth main line of handwritten text.

Fifth main line of handwritten text.

Sixth main line of handwritten text.

Seventh main line of handwritten text.

Eighth main line of handwritten text.

Ninth main line of handwritten text.

Tenth main line of handwritten text.

Eleventh main line of handwritten text.

Twelfth main line of handwritten text.

Handwritten signature or stamp at the bottom right.