



**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

January 14, 2019

Delivered electronically to "melissa@cjepac.com"

Subject: PDC Case 42362

Dear Melissa Pfeifer:

Below is a copy of an electronic letter sent to MaryAnn Ottinger concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted below to MaryAnn Ottinger, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

PDC Staff recommends that Citizens for Judicial Excellence disclose the estimated quantities for debts on the Schedule B of the C-4 report if the expenditures are for printing materials in the same manner that the Campaign discloses expenditures on the Schedule A of the C-4 reports.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1), and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case.

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s _____

Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s _____

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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January 14, 2019

Delivered electronically to "maryann@methownet.com"

Subject: Complaint regarding Citizens for Judicial Excellence, PDC Case 42362

Dear Mary Ann Ottinger:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 17, 2018. Your complaint alleged that Citizens for Judicial Excellence may have violated RCW 42.17A.240 for failure to properly itemize printing material expenditures by quantity on the Summary Full Campaign Contribution and Expenditure report (C-4 report), disclosing contributions and expenditures undertaken by the Campaign.

PDC staff reviewed your allegations, the statutes and rules, the initial and amended C-3, C-4, and C-6 reports filed by the Campaign, and the response from Citizens for Judicial Excellence. As a result of staff's review, we found the following:

- On October 16, 2018, the Campaign filed the 21-Day Pre-General Election C-4 report, disclosing \$25,000 in debt for mailing design and printing as well as \$1,100 in debt for voter pamphlet printing (Report #100866556). The expenditures were reported on the Schedule B of the C-4 report as debt with unknown quantities.
- On October 22, 2018, the Campaign filed C-6 Report #8730, disclosing \$5,188.58 for postage (QTY 30,000) and \$15,311.42 for direct mail (QTY 30,000).
- On October 30, 2018, the Campaign filed C-6 Report #8904, disclosing \$5,188.58 for postage (QTY 30,000) and \$11,811.42 for direct mail (QTY 30,000) .
- On October 30, 2018, the Campaign filed the 7-Day Pre-General Election C-4 report (Report #100871199), disclosing printing material expenditures in the amount of two entries of \$5,188.58

for postage (QTY 30,000 for each entry), \$1,313.31 for printing booklets (QTY 2,000), \$11,811.42 for direct mail, and a debt of \$15,500 for mailing and postage (QTY 25,000).

- On November 1, 2018, the Campaign filed C-6 Report #8943, disclosing \$15,500 for mailing and postage (QTY 25,000).
- Citizens for Judicial Excellence provided a response stating that the quantities for the printing materials were not initially reported because they were listed only as debt on the October 16th C-4 report, Schedule B. The Campaign emphasized that the expenditures were reported with the increase in detail on subsequent C-4 and C-6 reports once accurate quantities were known and the debt had been paid.
- RCW 42.17A.005(20) explains that the term "expenditure" includes a promise to pay for a good or service. WAC 390-16-042 demonstrates that a debt is synonymous with a "promise", "promise to pay", and "obligation." WAC 390-16-037 requires that if an expenditure is made directly to a vendor for printing, the purpose shall include the quantity. Since a debt is defined as an expenditure, then the quantity or estimated quantity for printing material should also be disclosed on the Schedule B of the C-4 report.
- Based on these findings and the following facts, staff has determined that in this instance the failure to include quantities of printing materials on expenditure reports does not amount to a material violation warranting further investigation since: (1) Citizens for Judicial Excellence disclosed quantities for printing material on subsequent C-4 and C-6 reports after the debts had been discharged as paid expenditures; (2) The Campaign was not aware that debts should be treated as expenditures when reporting the quantities for printing materials; (3) The failure to disclose quantities for the printing materials did not significantly impact the public interest because they were debts with unknown quantities and they were later disclosed with the necessary quantities after the expenditure were paid.

PDC Staff recommends that Citizens for Judicial Excellence disclose the estimated quantities for debts on the Schedule B of the C-4 report if the expenditures are for printing materials in the same manner that the Campaign discloses expenditures on the Schedule A of the C-4 reports. Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1), and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case.

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by email as [pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s _____
Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: Citizens for Judicial Excellence