



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

STATE REPRESENTATIVE DAN ROACH
9616 180TH AVE E
BONNEY LAKE WA 98391

In Re the Matter of)	PDC Case No. 10-063
Dan Roach, State Representative)	Findings of Fact,
)	Conclusions of Law and
Respondent.)	Order Imposing Fine
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A brief enforcement hearing (brief adjudicative proceeding) was held May 26, 2010, in Room 206, Evergreen Plaza Building, Olympia, Washington to consider whether the Respondent violated RCW 42.17.710 by soliciting contributions for a known candidate seeking public office during the 2010 Legislative Session.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Jim Clements was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. Dan Roach, State Representative, participated in the hearing in person and presented testimony to the Presiding Officer.

Brief enforcement hearing notice was sent to the Respondent on May 14, 2010. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is an incumbent State Representative with the Washington State Legislature, serving the 31st Legislative District in Position #1. Representative Roach is currently serving in his fifth term as a State Representative, and was first elected to this office in 2000, and re-elected in 2002, 2004, 2006, and 2008. He is a candidate seeking the office of Pierce County Council in 2010.
2. Cathy Dahlquist is an incumbent School Board member for the Enumclaw School District, a position she was first elected to in 2005. Ms. Dahlquist filed a Candidate Registration (PDC Form C-1) on December 28, 2009, declaring her candidacy for State Representative in the 31st Legislative District, Position #1.

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

RCW42.17.010 (10)



3. The Washington State Legislative Session Freeze, as outlined in RCW 42.17.710, began at 12:01 a.m. on Saturday, December 12, 2009, for the 2010 Legislative session. The 2010 Regular Session adjourned on March 11, 2010 thus ending the regular session freeze period.
4. On February 5, 2010, Ms. Dahlquist's campaign held a "kick-off party and fundraiser" benefitting her campaign for State Representative. The Respondent was among the speakers participating in Ms. Dahlquist's fundraising event.
5. The Respondent stated he was invited to speak at the Cathy Dahlquist campaign event, and that he volunteered to speak during the campaign kick-off fundraiser. He acknowledged that he asked people in attendance to donate to Ms. Dahlquist's campaign, but said he was unaware that during the session freeze, he was prohibited from raising money for other candidates.
6. Cash Receipts Monetary Contributions Reports (PDC Form C-3), and a Schedule A attachment to a Campaign Summary Receipts and Expenditures Report (PDC Form C-4) for the Committee to Elect Cathy Dahlquist, showed ten deposits totaling \$11,908 were made by the Dahlquist campaign during the period of February 4-8, 2010, surrounding the February 5th campaign kickoff fundraiser.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded 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 42.17.710 on one occasion by soliciting contributions for a known candidate seeking public office during the 2010 Legislative Session.

ORDER

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

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$500, of which \$400 is suspended on the condition that no violations of RCW 42.17 are found for a period of two years from the date of the order.

The \$100 non-suspended portion of the penalty is required to be paid within 60 days of the date of the order.

This is an **Initial Order** of the Public Disclosure Commission. There are two ways the Respondent may appeal this order to the Commission. Once the order becomes a final order, it may also be appealed to Superior Court.

REVIEW OF INITIAL ORDER - COMMISSION

- a. The Respondent may request a review of this Initial Order by the entire Commission.
- b. The request may be made orally or in writing, and must be received at the Public Disclosure Commission office within **21 business days** after the postmark date of this Initial Order. The Respondent must state the reason for the review, and identify what alleged errors are contained in the initial order.
- c. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.
- d. By law, a request for review of the initial order is deemed to have been denied if the Commission does not make a disposition of the matter within 20 business days after the request is submitted.
- e. If the Commission is unable to schedule a meeting to consider the Respondent's request for review within 20 business days, the Initial Order becomes a Final Order and the matter will automatically be treated as a request for reconsideration of a final order unless the Respondent advises the Commission otherwise. The matter will be scheduled before the full Commission as soon as practicable.
- f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 business days, the request must now be put in writing. (See Reconsideration of Final Order below.)
- g. If no request for review is received within 21 business days, this order will automatically become a **Final Order** of the Commission, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 42.17.395, RCW 34.05.470 and RCW 34.05.570).

RECONSIDERATION OF FINAL ORDER - COMMISSION

- a. Any party may ask the Commission to reconsider a final order. The request must be in writing and must include the specific grounds or reasons for the request. Grounds for reconsideration shall be limited to:
 - i) A request for review was deemed denied in accordance with WAC 390-37-144(4);
 - ii) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation;or
 - iii) Significant typographical or ministerial errors in the order.
- b. The request must be delivered to the Public Disclosure Commission office within **21 business days** after the postmark date of this order.
- c. The Public Disclosure Commission is deemed to have denied the request for reconsideration if, within 20 business days from the date the request is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. (RCW 34.05.470).
- d. The Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court. (RCW 34.05.470).

FURTHER APPEAL RIGHTS – SUPERIOR COURT

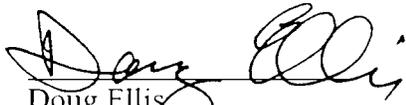
- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this Final Order on the parties. (RCW 34.05.542(2)).
- c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

ENFORCEMENT OF FINAL ORDERS

- a. If there is no timely request for review or reconsideration, this Initial Order becomes a Final Order. The Respondent is legally obligated to pay any penalty assessed.
- b. The Commission will seek to enforce a final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

Entered this 07th day of June, 2010.

Public Disclosure Commission


Doug Ellis
Interim Executive Director