



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

2010 Janea Holmquist Campaign
PO Box 439
Moses Lake, WA 98837

In Re the Matter of)	PDC Case No. 11-007
2010 Janea Holmquist Campaign)	Findings of Fact,
)	Conclusions of Law and
Respondent.)	Order Imposing Fine
_____)	

A brief enforcement hearing (brief adjudicative proceeding) was held December 1, 2010, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent's campaign violated RCW 42.17.080 and .090 by failing to timely file Cash Receipts Monetary Contribution reports (PDC Form C-3) and Campaign Summary Receipts and Expenditures reports (PDC Form C-4) disclosing contribution and expenditure activities undertaken during the 2010 election cycle.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Dave Seabrook was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. State Senator Janea Holmquist participated by telephone and presented testimony to the Presiding Officer.

A brief enforcement hearing notice was initially sent to Senator Holmquist on November 5, 2010, for a November 22nd hearing that was cancelled and rescheduled for December 1, 2010. Senator Holmquist was notified about the change on November 19th, and an amended notification was e-mailed to her on November 23, 2010. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. Janea Holmquist is currently serving her first term as a Washington State Senator for the 13th Legislative District, and she was a candidate seeking re-election to that office in 2010. Senator Holmquist was running un-opposed in 2010.

2. Senator Holmquist was first elected to the State Senate in 2006. Prior to that she was appointed and then elected State Representative for the 13th Legislative District in 2002, and re-elected to that position in 2004. She filed a Candidate Registration (PDC Form C-1) on November 30, 2007, declaring her candidacy for re-election in 2010 to the office of State Senator. She selected the Full Reporting option.
3. The Respondent failed to timely file nine C-3 reports disclosing contributions received totaling \$40,530. The nine C-3 reports were filed between 28 and 274 days late and represented approximately 40% of total contributions received during the campaign.
4. Four of the late-filed C-3 reports submitted by the Respondent were for contributions that had been received and deposited in November and December of 2009, prior to the 2010 Legislative Session. The four reports totaled \$14,455, and disclosed contributions that were between 243 and 274 days late. The contributions were disclosed on September 10, 2010, more than four months after the legislative session had concluded.
5. The Respondent failed to timely file seven C-4 reports for the 2010 election, including the 7-day pre-general C-4 report. The seven C-4 reports totaled \$11,750 in contributions received and \$14,523 in expenditures made, and were filed between 27 and 213 days late. The Respondent had not filed the 7-day pre-general election C-4 report as of the date of the hearing, but has disclosed contributions received as of October 27th.
6. Senator Holmquist ran un-opposed in 2010. She apologized for the late-filed reports, and stated she has replaced her former treasurer and is in the process of bringing her campaign reports up-to-date. She said she expects the missing reports to be filed shortly along with an amended C-1 notifying the PDC of the new treasurer.

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's campaign committed multiple violations of RCW 42.17.080 and .090 by failing to timely file Cash Receipts Monetary Contribution reports (PDC Form C-3) and Campaign Summary Receipts and Expenditures Reports (PDC Form C-4), and failing to file the 7-day pre-general C-4 report disclosing contribution and expenditure activities undertaken during the 2010 election cycle.

ORDER

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

IT IS HEREBY ORDERED that the Respondent's campaign is assessed a civil penalty of \$250, of which \$150 is suspended on the condition that no violations of RCW 42.17 are committed for the next four years from the date of the order, and the Respondent's campaign files the missing C-4 report and pays the \$100 non-suspended portion of the penalty by December 31, 2010.

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

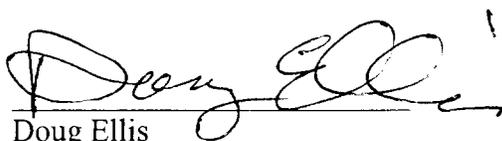
- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court 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 may 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 10th day of December, 2010.

Public Disclosure Commission


Doug Ellis
Interim Executive Director