



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

2010 Jim Honeyford Campaign
PO Box 844
Sunnyside, WA 98944-0844

In Re the Matter of)	PDC Case No. 11-008
2010 Jim Honeyford Campaign)	Findings of Fact,
)	Conclusions of Law and
Respondent.)	Order Imposing Fine
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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 2010 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 Jim Honeyford submitted written materials that were presented to the Presiding Officer.

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

FINDINGS OF FACT

1. Jim Honeyford is currently serving in his third term as a Washington State Senator for the 15th Legislative District, and was a candidate seeking re-election to that office in 2010. Senator Honeyford was first elected to the State Senate in 1998, and was re-elected to that position in 2002 and 2006. Prior to that he served two terms as a State Representative. He was running unopposed in 2010.

2. Senator Honeyford filed a Candidate Registration (PDC Form C-1) on April 16, 2007, declaring his candidacy for re-election in 2010 to the office of State Senator from the 15th Legislative District. He selected the Full Reporting option.
3. The Respondent failed to timely file 33 C-3 reports totaling \$79,925. The 33 late-filed C-3 reports were filed between 2 and 432 days late. Eight of the C-3 reports were filed between 20 and 65 days late and totaled \$12,500, and 13 of the C-3 reports were filed between 112 to 432 days late and totaled \$18,000.
4. Five 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 five late-filed C-3 reports totaled \$12,300, and disclosed contributions that were filed between 112 and 144 days late. The \$12,300 in contributions were disclosed on May 3, 2010, after the 2010 legislative session had concluded.
5. The Respondent failed to timely file 18 C-4 reports through September 30, 2010. The 18 late-filed C-4 reports totaled \$58,247 in contributions received, and \$8,821.34 in expenditures made. The C-4 reports were filed between 4 and 432 days late.
6. Senator Honeyford ran un-opposed in 2010. He apologized for not being able to attend the hearing in person. He stated by letter that he understood it was his responsibility, as the candidate, to timely file his campaign reports. He explained that he became complacent regarding oversight of the campaign reporting. He said that prior to the campaign using the PDC ORCA software, he received paper copies of the mailed C-3 and C-4 reports. He said once the campaign started filing reports electronically, he neglected to check the "on-line submissions" to confirm that the reports had been properly transmitted.

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) 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 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,

- 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