

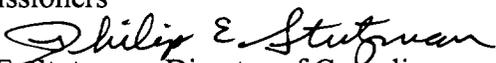


STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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TO: Commissioners

FROM:   
Philip E. Stutzman, Director of Compliance

DATE: April 21, 2011

SUBJECT: Review of Brief Enforcement Hearing Initial Order - Shawn McEvoy, PDC Case No. 11-011

Enclosed for your consideration are: (1) A letter from Shawn McEvoy requesting a review of the Initial Order from a brief enforcement hearing; and (2) A copy of the initial order. On February 28, 2011, a brief enforcement hearing (brief adjudicative proceeding) was held to consider charges against the 2010 Shawn McEvoy Campaign for King County Council. Commission Chair Dave Seabrook was the Presiding Officer. PDC staff was represented by Tony Perkins, Lead Political Finance Specialist. Shawn McEvoy attended the hearing and presented testimony to the Presiding Officer.

After considering the evidence and testimony presented, the Presiding Officer concluded that the Respondent violated RCW 42.17.080 and 42.17.090 by failing to timely file a complete 21-day pre-primary election C-4 report and 7-day pre-primary election C-4 report with detailed schedules, disclosing contribution and expenditure activities undertaken in support of Shawn McEvoy's 2010 campaign. The Presiding Officer assessed a penalty of \$100, with \$50 suspended on the condition that no violations of RCW 42.17 are committed for the next four years from the date of the order. The Respondent was ordered to pay the \$50 non-suspended portion of the penalty within 30 days.

**Request for Review:** In his request for a review, Mr. McEvoy is disputing Findings of Fact No. 4 in the Initial Order. He asserts that it incorrectly states that he did not file the 21-day pre-primary C-4 report until September 14, 2010. He contends that all of his original C-4 reports were filed in a timely fashion and that they were complete. By making this statement, he is saying that he filed his 21-day Pre-Primary C-4, with schedules, on July 27, 2010, and that he filed his 7-day Pre-Primary C-4, with schedules, on August 10, 2010. He said he again filed those two C-4 reports on August 27, 2010 in response to the PDC's request for the missing C-4 reports.

**Staff Comments:** The PDC has no record of receiving Mr. McEvoy's 21-day pre-primary C-4 report on July 27, 2010 or his 7-day pre-primary C-4 report on August 10, 2010, as asserted by Mr. McEvoy. In the Initial Order:

- Findings of Fact No. 3 clearly states that Mr. McEvoy filed the initial 21-day pre-primary C-4 report 31 days late on August 27, 2010, and 10 days after the primary election. It further states that the C-4 report disclosed \$5,200 in contributions received and \$4,526 in

expenditures made, and notes that the report only included the C-4 cover page, without supporting schedules. This means that individual expenditures were not itemized.

- Findings of Fact No. 4 states that an amended 21-day pre-primary C-4 report was filed on September 14, 2010, and that the amended report included a Schedule A itemizing campaign expenditures.
- Findings of Fact No. 5 states that the itemized expenditures were disclosed 53 days late, and more than five weeks after the primary election.
- Findings of Fact No. 6 states that Mr. McEvoy filed the initial 7-day pre-primary C-4 report 17 days late on August 27, 2010, and 10 days after the primary election. It further states that the C-4 report disclosed \$550 in contributions received and \$790 in expenditures made, and notes that the report only included the C-4 cover page, without supporting schedules. This means that individual expenditures were not itemized.
- Findings of Fact No. 7 states that an amended 7-day pre-primary C-4 report was filed on September 14, 2010, and that the amended report included a Schedule A itemizing campaign expenditures. It states that the itemized expenditures were disclosed 35 days late and 28 days after the primary election.

PDC staff contends that the Initial Order correctly states the relevant facts.