



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Shawn McEvoy
872 SW 174th ST
Normandy Park, WA 98166

In Re the Matter of)	PDC Case No. 11-011
2010 Shawn McEvoy Campaign)	Findings of Fact,
)	Conclusions of Law and
Respondent.)	Order Imposing Fine
_____)	

A brief enforcement hearing (brief adjudicative proceeding) was held February 28, 2011, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the 2010 Shawn McEvoy campaign violated RCW 42.17.080 and 42.17.090 by failing to timely file the 21-day and 7-day pre-primary election C-4 reports disclosing campaign contributions and expenditures.

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 Tony Perkins, Lead Political Finance Specialist. Shawn McEvoy attended the hearing and presented testimony to the Presiding Officer.

A brief enforcement hearing notice was sent to Mr. McEvoy on February 18, 2011. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. Respondent 2010 Shawn McEvoy Campaign filed a C-1 Candidate Registration on June 3, 2010, declaring Mr. McEvoy's candidacy for the office of King County Council, District #8 in 2010, and selecting the Full Reporting option.
2. Under the Full Reporting option, candidates appearing on the 2010 primary election ballot were required to file both a 21-day pre-primary election C-4 report due to be filed on July 27, 2010, covering the period of June 1 through July 26, 2010, and a 7-day pre-primary election C-4 report due to be filed on August 10, 2010, covering the period July 26 through August 9, 2010. In addition, candidates were required to file a

post-primary election C-4 report, which was due to be filed no later than September 10, 2010.

3. The initial 21-day pre-primary C-4 report was filed by the Respondent 31 days late on August 27, 2010, 10 days after the primary election. The C-4 report disclosed \$5,200 in contributions received and \$4,526 in expenditures made, but only the C-4 cover page was submitted.
4. An amended 21-day pre-primary C-4 report was filed on September 14, 2010, and included a Schedule A listing campaign expenditures made between June 10 and July 26, 2010. The C-4 report disclosed previously unreported campaign expenditures totaling \$4,526 that included the candidate's filing fee of \$1,277, a \$1,126 expenditure made on June 20, 2010, to Thompson Signs for campaign yard signs, and a \$127 expenditure for yard sign stakes. The Schedule A also disclosed a \$500 expenditure made on July 20, 2010, to Mendtech, for a campaign website, a \$287 expenditure on July 22, 2010 for blog site advertising, and \$582 in miscellaneous non-itemized expenditures.
5. These itemized expenditures made by the Respondent were disclosed 53 days late, and the information was first made available to the public more than five weeks after the primary election.
6. The initial 7-day pre-primary C-4 report was filed by the Respondent 17 days late on August 27, 2010, and 10 days after the primary election was held. The C-4 report disclosed \$550 in contributions received and \$790 in expenditures made, but only the C-4 cover page was submitted.
7. An amended 7-day pre-primary C-4 report was filed on September 14, 2010, and included a Schedule A listing expenditures made by the Respondent between July 27 through August 9, 2010. The C-4 report disclosed previously unreported campaign expenditures totaling \$790 that included a \$287 expenditure for blog site advertising, \$128 for additional stakes for yard signs, and \$187 in miscellaneous expenses. These expenditures were disclosed to the public 35 days late and 28 days after the primary election.
8. On behalf of the Respondent, Mr. McEvoy stated that he believed he filed complete C-4 reports on the statutory 21-day and 7-day pre-primary deadlines. He could not explain why the reports were not received.

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 42.17.080 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.

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 \$100, of which \$50 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. The Respondent shall pay the \$50 non-suspended portion of the penalty within 30 days.

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

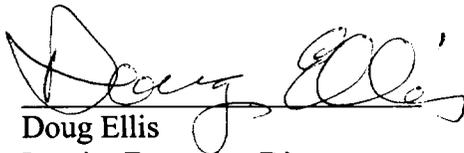
- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court 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 9th day of March, 2011.

Public Disclosure Commission


Doug Ellis
Interim Executive Director