

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action Against:  
David Schmidt and 2006 David Schmidt  
Campaign  
Respondent

PDC CASE NO. 11-018  
FINAL ORDER

This matter came before the Washington State Public Disclosure Commission on February 23, 2012 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Barry Sehlin, Commission Chair; Jennifer Joly, Vice Chair; and Amit Ranade, Member. Participating were: David Schmidt, Respondent (participating by telephone); PDC Director of Compliance Phil Stutzman (representing PDC staff); PDC Executive Director Andrea McNamara Doyle; Nancy Krier, General Counsel for the Commission; and PDC staff member Jana Greer as recorder/reporter of the proceeding. The proceeding was open to the public and was recorded.

The Respondent was a candidate for re-election to the position of State Senator for the 44<sup>th</sup> Legislative District in 2006. This matter resulted from a complaint alleging that Respondent violated: (1) RCW 42.17.125 by improperly reimbursing himself from campaign funds in the amount of \$32,260.98 for wages he claims to have lost for the years 2003, 2004, 2005 and 2006 following his 2006 campaign; (2) RCW 42.17.125 by improperly using campaign funds for personal use in the amount of \$755.20 by reimbursing himself for airfare for Mr. Schmidt and a campaign worker to travel to Arizona following the 2006 general election; (3) RCW 42.17.080 and .090 by filing the campaign's 2006 post-general election C-4 report three years and seven months (1,320 days) late on July 23,

1 2010; and (4) filing the campaign's December 2006 C-4 report three years and six months  
2 (1,289 days) late on July 23, 2010.

3 PDC Staff submitted to the Commission a cover memo from Mr. Stutzman dated  
4 February 16, 2012; an Executive Summary and Staff Analysis memo from Mr. Stutzman; a  
5 Notice of Administrative Charges dated November 28, 2011; and a Report of Investigation  
6 dated November 28, 2011 (with exhibits 1-9). The parties also submitted to the  
7 Commission a proposed Stipulation as to Facts, Violations and Penalty (Stipulation) dated  
8 February 22, 2012.

9 Mr. Stutzman summarized the proposed Stipulation and the staff recommendation to  
10 accept the Stipulation. Mr. Schmidt addressed the Commission and requested the  
11 Commission adopt the Stipulation.

12 The Commission voted 3-0 to accept the Stipulation.

13 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

14 Based upon the Stipulation, which is hereby attached and incorporated by reference,  
15 the Commission finds and concludes:

16 1. The Jurisdiction, Facts, Legal Authority, and Violations are established as  
17 provided in the Stipulation.

18 2. The Respondent committed multiple violations of RCW 42.17.125, RCW  
19 42.17.080, and RCW 42.17.090 as provided in the Stipulation.

20 3. The penalty provided in the Stipulation is an appropriate resolution of this  
21 matter.

22 **II. ORDER**

23 Based upon the findings and conclusions, the Commission orders that:

24 1. The Stipulation is accepted.

25 2. The Respondent is assessed a civil penalty of \$10,000. The penalty is due within 12  
26 months from the date of this Final Order.



1 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency  
2 shall be by delivery of a copy of the petition to the office of the director, or other chief  
3 administrative officer or chairperson of the agency, at the principal office of the agency.  
4 Service of a copy by mail upon the other parties of record and the office of the attorney  
5 general shall be deemed complete upon deposit in the United States mail, as evidenced by  
6 the postmark."  
7

8 If reconsideration is properly sought, the petition for judicial review must be served  
9 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
10 Commission acts on the petition for reconsideration.

11 **IV. ENFORCEMENT OF FINAL ORDERS**

12 The Commission may seek to enforce this final order in superior court under RCW  
13 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid  
14 and no petition for judicial review has been filed under chapter 34.05 RCW. This action  
15 will be taken without further order by the Commission.  
16

17 The Executive Director is authorized to enter this order on behalf of the  
18 Commission.

19 So ORDERED this 20<sup>th</sup> day of March, 2012.  
20

21 WASHINGTON STATE PUBLIC  
22 DISCLOSURE COMMISSION

23 FOR THE COMMISSION:

24 

25 ANDREA MCNAMARA DOYLE  
26 Executive Director

1 ATTACHMENT: Stipulation as to Facts, Violations and Penalty (dated February 22, 2012)

2 Copy of this Final Order to:

3 David Schmidt  
4 8803 216<sup>TH</sup> ST SW  
5 Edmonds, WA 98026

6 I, Jana Green, certify that I mailed a copy of this order to the  
7 Respondent at its respective address, postage prepaid, on the date stated herein.

8 Jana Green  
9 Signature

10 3/20/12  
11 Date

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26