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

In the Matter of Enforcement Action Against:
Washington State Republican Party
Respondent

PDC CASE NO. 11-020
FINAL ORDER

This matter came before the Washington State Public Disclosure Commission on August 25, 2011 and September 22, 2011 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Barry Sehlin, Commission Chair (August 25 only); Jennifer Joly, Vice Chair; Jim Clements, Member; and Dave Seabrook, Member. Participating were: Peter Graves, Executive Director, Washington State Republican Party; PDC Director of Compliance Phil Stutzman (representing PDC staff); PDC Interim Executive Director Doug Ellis; Nancy Krier, General Counsel for the Commission; and PDC staff members Jana Greer and Jennifer Hansen as recorder/reporters of the proceedings. The proceedings were open to the public and were recorded.

The Respondent is the Washington State Republican Party. This matter resulted from a complaint that alleged that Respondent violated RCW 42.17.080 and .090 as follows: *Non Exempt Funds Account*: by failing to timely and properly report contributions received, totaling \$378,500, and expenditures made, including expenditures that were monetary contributions, totaling \$60,000, and in-kind contributions, totaling \$9,544, to candidates during the 2010 elections. *Exempt Funds Account*: by failing to timely report contributions received, totaling \$127,500, during the 2010 elections.

On August 25, PDC Staff submitted to the Commission a cover memo from Mr. Stutzman dated August 17, 2011; a Notice of Administrative Charges dated August 12,

1 2011; a Report of Investigation dated August 11, 2011 (with exhibits 1-12); and, a
2 spreadsheet summarizing penalties assessed in comparable cases. The parties submitted to
3 the Commission a proposed Stipulation as to Facts, Violations and Penalty dated August
4 19, 2011 that included a civil penalty in the amount of \$6,700 with \$2,500 suspended, and
5 other conditions.

6 Mr. Stutzman summarized the proposed Stipulation and the staff recommendation to
7 accept the Stipulation. Mr. Graves addressed the Commission and requested the
8 Commission adopt the Stipulation.

9 After reviewing the Stipulation presented by the parties and hearing from PDC staff
10 and the Respondent, the Commission suggested a modification to the proposed stipulation
11 in accordance with WAC 390-37-090(1)(c). The modification included a civil penalty in
12 the amount of \$12,000 with \$7,800 suspended, based on the following conditions: (1)
13 Respondent is not found to have committed further violations of RCW 42.17 within four
14 years from the date of the entry of the Commission's Final Order in this matter; and (2)
15 Payment of the non-suspended portion of the penalty (\$4,200) is made within 60 days from
16 the date of entry of the Commission's Final Order in this matter. The Commission
17 continued the matter to September 22, 2011.

18 On September 22, PDC Staff submitted to the Commission a cover memo from Mr.
19 Stutzman dated September 14, 2011; and the previously submitted administrative charges,
20 investigative report and spreadsheet summarizing penalties assessed in comparable cases.
21 The parties submitted to the Commission a modified proposed Stipulation as to Facts,
22 Violations and Penalty (Stipulation) dated August 31, 2011.

23 Mr. Stutzman summarized the modified proposed Stipulation and the staff
24 recommendation to accept the Stipulation. Mr. Graves participated by telephone.

25 The Commission voted 3-0 to accept the modified Stipulation.
26

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

2 Based upon the modified Stipulation dated August 31, 2011, which is hereby
3 attached and incorporated by reference, the Commission finds:

4 1. The Jurisdiction, Facts, Legal Authority, Violations and Penalty are
5 established as provided in the Stipulation.

6 2. The Respondent committed multiple violations of RCW 42.17.080 and .090,
7 as provided in the Stipulation.

8 **II. ORDER**

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

10 1. The Stipulation is accepted.

11 2. The Respondent is assessed a civil penalty of \$12,000. Of the total penalty amount,
12 \$7,800 will be suspended on the following conditions:

13 a. The Respondent is found not to have committed further violations of RCW
14 42.17 within four years from the date of the entry of the Commission's Final
15 Order in this matter.

16 b. Payment of the non-suspended portion of the penalty (\$4,200) is made within 60
17 days from the date of entry of the Commission's Final Order in this matter.

18 **III. APPEALS**

19 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

20 Any party may ask the Commission to reconsider this final order. Parties must
21 place their requests for reconsideration in writing, include the specific grounds or reasons
22 for the request, and deliver the request to the Public Disclosure Commission Office within
23 **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order
24 upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished
25 on the date of mailing by U.S. mail if the order is mailed, or the date of personal service if
26

1 personal service is made. RCW 34.05.010(19). The Commission orders are generally
2 mailed via U.S. mail.

3 Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have
4 denied the petition for reconsideration if, within twenty (20) business days from the date the
5 petition is filed, the Commission does not either dispose of the petition or serve the parties
6 with written notice specifying the date by which it will act on the petition. Pursuant to
7 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure
8 Commission to reconsider the final order before seeking judicial review by a superior court.
9

10 FURTHER APPEAL RIGHTS – SUPERIOR COURT

11 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
12 Commission is subject to judicial review under the Administrative Procedure Act, chapter
13 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
14 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
15 County or the petitioner’s county of residence or principal place of business. The petition
16 for judicial review must be served on the Public Disclosure Commission and any other
17 parties within **30 days** of the date that the Public Disclosure Commission serves this final
18 order on the parties. RCW 34.05.542 (4) provides: “Service of the petition on the agency
19 shall be by delivery of a copy of the petition to the office of the director, or other chief
20 administrative officer or chairperson of the agency, at the principal office of the agency.
21 Service of a copy by mail upon the other parties of record and the office of the attorney
22 general shall be deemed complete upon deposit in the United States mail, as evidenced by
23 the postmark.”
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1 If reconsideration is properly sought, the petition for judicial review must be served
2 on the Public Disclosure Commission and any other parties within thirty (30) days after the
3 Commission acts on the petition for reconsideration.

4
5 **IV. ENFORCEMENT OF FINAL ORDERS**

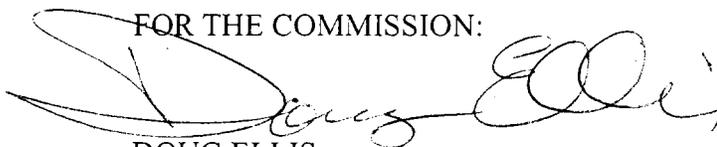
6 The Commission may seek to enforce this final order in superior court under RCW
7 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid
8 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
9 will be taken without further order by the Commission.

10
11 The Executive Director is authorized to enter this order on behalf of the
12 Commission.

13 So ORDERED this 11th day of October, 2011.

14 WASHINGTON STATE PUBLIC
15 DISCLOSURE COMMISSION

16 FOR THE COMMISSION:

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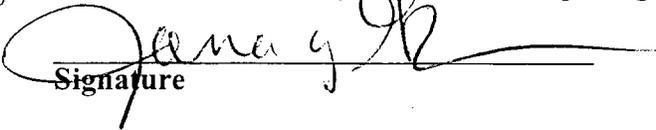
18 DOUG ELLIS
Interim Executive Director

19 **ATTACHMENT:** Stipulation as to Facts, Violations and Penalty (dated August 31,
20 2011)

21 *Copy of this Final Order to:*

22 Peter Graves
23 Executive Director
24 Washington State Republican Party
11811 NE First Street, Suite A306
Bellevue, WA 98005

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


Signature

10/11/11
Date