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

IN RE THE MATTER OF ENFORCEMENT
ACTION AGAINST

PDC CASE NO. 11-045

FINAL ORDER

Chris Bowen and 2011 Chris Bowen
Campaign.

Respondent.

This matter came before the Washington State Public Disclosure Commission on September 22, 2011 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Vice Chair Jennifer Joly; Dave Seabrook, Member; and Jim Clements, Member.

Participating were: PDC Director of Compliance Phil Stutzman. Also present were: Doug Ellis, Interim Executive Director; Nancy Krier, Commission General Counsel; and PDC staff member Jennifer Hansen Greer as recorder/reporter of the proceedings. The Respondent, Chris Bowen, was provided notice of the hearing but did not attend or participate. The proceedings were recorded and open to the public.

The Respondent was a candidate for the Spokane City Council in 2011. This case concerns allegations that Respondent may have violated RCW 42.17.080 and RCW 42.17.090 during the 2011 primary election by failing to timely file and complete reports of contributions

1 and expenditures, and violated RCW 42.17.080 by failing to make the campaign books of
2 account available for public inspection during the eight days before the August 16, 2011
3 primary election.

4 I. HEARING

5 Mr. Stutzman testified on behalf of PDC staff. In his testimony, Mr. Stutzman
6 presented to the Commission and summarized the following documents, which were entered
7 into the record:

- 8 • An enforcement hearing notice dated September 2, 2011 that was sent to the
9 Respondent by U.S. mail, scheduling the hearing for September 22, 2011 before the full
10 Commission and enclosing a copy of the Notice of Administrative Charges and Report
11 of Investigation and Exhibits;
- 12 • A second notice of the enforcement hearing sent to the Respondent by PDC staff via
13 email on September 2, 2011 with attachments (Hearing Notice, Notice of
14 Administrative Charges, Report of Investigation and Exhibits);
- 15 • A Report of Investigation dated September 1, 2011 with attached Exhibits 1-20;
- 16 • A Notice of Administrative Charges dated September 2, 2011;
- 17 • A memorandum from Mr. Stutzman to the Commission dated September 14, 2011; and,
- 18 • A spreadsheet of comparable cases.

19 On behalf of PDC Staff, Mr. Stutzman requested the Commission find the Respondent
20 committed multiple violations of RCW 42.17 as alleged in the Notice of Administrative
21 Charges.

22 The Respondent did not attend or testify, submit any written materials for the
23 Commission's consideration, respond to the charges or evidence, or respond to the
24 recommendation presented by PDC Staff.

1 Following its review of the evidence in the record herein, and the PDC Staff
2 recommendation, the Commission hereby enters the following Findings of Fact, Conclusions
3 of Law and Order:

4 II. FINDINGS OF FACT

5 The facts as described in the September 1, 2011 Report of Investigation and September
6 2, 2011 Notice of Administrative Charges have been established. The facts include:

7 1. Chris Bowen was a candidate for Spokane City Council, District 1, in the August
8 16, 2011 Primary election. Mr. Bowen was defeated and will not appear on the November 8,
9 2011 general election ballot.

10 2. On March 22, 2011, Mr. Bowen filed a Candidate Registration (PDC form C-1)
11 and a Personal Financial Affairs Statement (PDC form F-1). He selected the full reporting
12 option on the C-1, indicating that he would file the frequent, detailed reports required by law.

13 3. On his C-1, Mr. Bowen listed "N/A" for treasurer and committee officers. He
14 listed his campaign bank as Numerica, at the downtown Spokane branch. He provided a
15 telephone number but no address for inspection of his campaign accounts during the public
16 inspection period.

17 4. On May 27, 2011, Mr. Bowen filed an amended C-1. He listed "N/A or none" for
18 treasurer and committee officers. He listed his campaign bank as Numerica, at the North
19 Spokane branch. He provided an address of 4650 North Division (North Mall Food Court) for
20 inspection of his campaign accounts during the public inspection period.

21 5. Mr. Bowen failed to file a complete and accurate "Campaign Summary Receipts
22 and Expenditures" report (PDC form C-4) for the period March and April 2011. On May 16,
23 2011, Mr. Bowen attempted to improperly file a C-4 report by facsimile, showing a beginning
24 cash-on-hand balance of \$24,348.50 and total cash expenditures of \$4,127.32. He refused to
25 provide an explanation of the beginning cash-on-hand balance or the required information for
26 the cash expenditures on Schedule A.

1 6. On May 27, 2011, Mr. Bowen filed a C-4 report by mail for the period March 14,
2 2011 to April 30, 2011. The report showed a beginning cash-on-hand balance of zero and total
3 cash expenditures of \$4,127.32. He refused to provide an explanation of why the beginning
4 cash-on-hand balance dropped from \$24,348.50 on the report he attempted to file by facsimile,
5 to zero, or to provide the required information for the cash expenditures on Schedule A. The
6 complainant had stated in his May 12, 2011 complaint that Mr. Bowen's campaign had placed
7 campaign signs in the Spokane area for the past six weeks.

8 7. On May 27, 2011, Mr. Bowen filed a C-3 report that stated "*N/A or none*" for
9 monetary contributions received. Mr. Bowen did not file any additional C-3 or C-4 reports for
10 the campaign.

11 8. Mr. Bowen failed to make his campaign books of account available for public
12 inspection during the eight days before the August 16, 2011 primary election (August 8 –
13 August 15, 2011). Campaign books were required to be available for public inspection, by
14 appointment, between the hours of 8:00 a.m. and 8:00 p.m. during the eight days of the public
15 inspection period.

16 9. During the week of August 8, 2011 to August 15, 2011, Jonathan Brunt, a reporter
17 for the *Spokesman Review* in Spokane, reported he attempted to view the records of Mr.
18 Bowen. Mr. Bowen refused. He stated that all appointments had been filled for the primary
19 election. By telephone, PDC staff told a person believed to be Mr. Bowen that he was required
20 to make and keep appointments to inspect his campaign accounts during the public inspection
21 period. Mr. Bowen confirmed in a media report that he had contacted the PDC on this matter
22 concerning making his books available for public inspection. Mr. Brunt reported Mr. Bowen
23 stated that his appointments were completely booked and it would be too difficult to show his
24 books to multiple people at the same time.

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1 **III. CONCLUSIONS OF LAW**

2 Based upon the record herein, the Commission unanimously finds:

3 1. The Commission has jurisdiction to hear this matter under RCW 42.17 and Title
4 390 WAC.

5 2. RCW 42.17.080 and RCW 42.17.090 require candidates to file timely, accurate
6 reports of contributions and expenditures, including in-kind contributions. Under the full
7 reporting option, until five months before the general election, C-4 reports are required
8 monthly when contributions or expenditures exceed \$200 since the last report. C-4 reports are
9 also required 21 and 7 days before each election, and in the month following the election,
10 regardless of the level of activity. Contribution deposits made during this same time period
11 must be disclosed on the Monday following the date of deposit.

12 3. RCW 42.17.080(4) states:

13 The treasurer or candidate shall maintain books of account accurately reflecting
14 all contributions and expenditures on a current basis within five business days of
15 receipt or expenditure. During the eight days immediately preceding the date of
16 the election the books of account shall be kept current within one business day.
17 As specified in the committee's statement of organization filed under RCW
18 42.17.040, the books of account must be open for public inspection by
19 appointment at the designated place for inspections between 8:00 a.m. and 8:00
20 p.m. on any day from the eighth day immediately before the election through the
21 day immediately before the election, other than Saturday, Sunday, or a legal
22 holiday. It is a violation of this chapter for a candidate or political committee to
23 refuse to allow and keep an appointment for an inspection to be conducted during
24 these authorized times and days. The appointment must be allowed at an
25 authorized time and day for such inspections that is within twenty-four hours of
26 the time and day that is requested for the inspection.

4. The Respondent committed multiple violations of RCW 42.17.080 and RCW
42.17.090 by failing to file complete and accurate "Campaign Summary Receipts and
Expenditure" (C-4) reports and "Cash Receipts Monetary Contributions" (C-3) reports.

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1 So ORDERED this 7th day of October, 2011.

2 WASHINGTON STATE PUBLIC
3 DISCLOSURE COMMISSION

4 FOR THE COMMISSION:

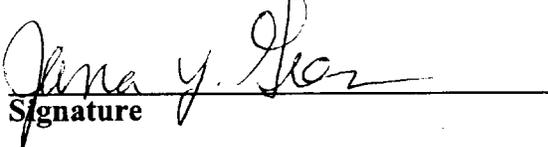
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6 DOUG ELLIS
7 Interim Executive Director

8
9 *Copy of this Final Order to:*

10 Chris Bowen
11 612 E. Nora
12 Spokane, WA 99207

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

24 
25 Signature

26 10/7/11
Date