



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: 11-045
WITH RCW 42.17)	
)	
Chris Bowen)	Report of Investigation
)	
Respondent)	
_____)	

I. Background

- 1.1 On March 22, 2011, Chris Bowen filed a Personal Financial Affairs Statement (PDC Forms F-1), and a Candidate Registration (PDC form C-1) with the Public Disclosure Commission (PDC), indicating that he was seeking election to the Spokane City Council in the November 2011 general election.
- 1.2 During a previous campaign in 2008 for State Representative in the third legislative district, Mr. Bowen was penalized for failing to file C-1 and F-1 reports. He received a penalty of \$300 with \$150 suspended on the condition that the missing C-1 and F-1 reports are filed within two weeks of the order. He did not file the C-1 and F-1 to satisfy the suspension so the entire penalty was assessed. On April 8, 2011, after a newspaper inquiry, Mr. Bowen paid the \$300 penalty assessed for his 2008 campaign activity, but did not file the missing reports.

II. Allegations

- 2.1 On May 12, 2011, a complaint was received from Charles Skirko, of Chattaroy, Washington, alleging that the 2011 Chris Bowen campaign for Spokane City Council failed to fully and accurately complete the C-1 form, and failed to file Cash Receipts Monetary Contributions (PDC Form C-3) and Campaign Summary Receipts and Expenditures reports (PDC Form C-4) showing campaign activity, including the purchase and placement of campaign signs that the complainant alleges had been posted for six weeks. **(Exhibit 1)**
- 2.2 PDC Staff also investigated the following items:

- Whether campaign finance reports were filed for his 2008 campaign for State Representative.
- On May 16, 2011, the PDC received a faxed C-4 report from Mr. Bowen showing \$24,348.50 in previous contributions, without supporting documentation or other explanation of the origin of the money. **(Exhibit 2)** The C-4 also reported \$4,127.32 in expenditures without a supporting Schedule A. The reporting period did not have complete dates (month, day, and year). Because this report was faxed, it was not accepted for filing.
- The original 2011 Chris Bowen F-1 statement was received on March 22, 2011. Sections 1, 2, 3, 4, and 5 were left blank.

III. Findings

C-1 Report

- 3.1 On March 22, 2011, Chris Bowen filed a C-1, indicating that he was running for the office of Spokane City Council - Position one, in the 2011 election. He chose the full reporting option. He listed "N/A" for treasurer, and committee officers. He indicated his Campaign bank was Numerica, and that the bank branch was downtown in Spokane. He provided a telephone number but no address for the purpose of public inspection of his campaign books. **(Exhibit # 3)**
- 3.2 On May 27, 2011, he filed an additional C-1. He listed "N/A or none" for the questions previously listed as "N/A." He again listed Numerica as his campaign bank, but the branch is now listed as "North." He provided the address of 4650 North Division (North Mall food court) as the address for inspection of his campaign books. **(Exhibit # 4)**

C-3 Reports

- 3.3 For candidates using the full reporting option, C-3 reports are due according to the following schedule:

Period	Due
March 2011	April 11, 2011
April 2011	May 10, 2011
May 2011	June 10, 2011

- 3.4 Beginning June 1, 2011, C-3 reports are due weekly on Mondays for deposits made in the previous week's period of Monday through Sunday. Mr. Bowen may have been required to file C-3 reports on some or all of the following Mondays:

June 2011	June 6, 2011, June 13, 2011, June 20, 2011, June 27, 2011
July 2011	July 5, 2011, July 11, 2011, July 18, 2011, July 25, 2011
August 2011	August 1, 2011, August 8, 2011, and August 15, 2011

3.5 The Chris Bowen Campaign filed one C-3 report accompanying a C-4 Report on May 27, 2011. **(Exhibit # 5)** The report indicated "N/A or none" for anonymous, candidate's personal funds, loans, miscellaneous receipts and small donations of \$25 or less; and "N/A or none" for contributions over \$25. The report total was zero.

C-4 Reports

3.6 The following C-4 reports are due for full reporting candidates:

Period	Due	Mandatory Report (Y/N)
March	April 11, 2011	N
April 2011	May 10, 2011	N
May	June 10, 2011	N
21-day pre-primary June 1, 2011 through July 25, 2011	July 26, 2011	Y
7-day pre-primary July 26 through August 8, 2011	August 9, 2011	Y
Post-Primary August 9, through August 31, 2011	September 12, 2011	Y

3.7 The Bowen Campaign sent one C-4 by facsimile that was received on May 16, 2011, listing the report period as "March + April." The report showed \$24,348.50 as previous cash, and \$4,127.32 as expenditures, leaving a balance of \$20,221.18 cash on hand. No other forms or schedules were filed. No explanation was provided for the source of the contributions or the vendor(s) for the expenditures. This report was not filed because it was not an original form, nor was it considered filed by the electronic alternative provided in RCW 42.17.369. Mr. Bowen signed the C-4 certifying that the information was true and correct to the best of his knowledge.

3.8 On May 27, 2011, PDC received a certified mail envelope that contained a C-4 for the period of "March 14 – End of April." **(Exhibit # 6)** The report showed "NA or None" for questions one through nine relating to contributions received. The

report showed "NA or none" for previous expenditures, \$4,127.32 for current expenditures, and "NA or none" for items eleven through sixteen, and \$18,221.18 for total cash and in-kind expenditures during the campaign. The cash on hand and balance were shown as \$14,093.18. Chris Bowen signed the C-4 certifying that the information was true and correct to the best of his knowledge.

F-1 Reports

- 3.9 On March 22, 2011, Mr. Bowen filed a Personal Financial Affairs Statement (PDC Form F-1). **(Exhibit # 7)** He completed his name, address, filing status, and office, but sections 1-5 were left blank. He signed the certification on page 2 indicating that the statements were true and correct.
- 3.10 One week later, on March 29, 2011, he sent an e-mail listing his employer and employer's address. His income code was not listed. **(Exhibit # 8)**
- 3.11 On May 27, 2010, Mr. Bowen filed an amended F-1 report, listing his employer, employer's address, and his income code as "C." He listed NA or None for real estate, assets, and creditors. He did not answer the questions in section five. **(Exhibit # 9)**

Attempts to Solicit Information from Christopher Bowen.

- 3.12 On May 19, 2011, Phil Stutzman, PDC Director of Compliance, mailed a letter and attached a copy of the letter to an e-mail to Mr. Bowen. Mr. Bowen was given a copy of the complaint, a description of the allegations, and the deficiencies of his previously filed reports. Mr. Bowen was asked to respond in writing to the allegations by June 2, 2011. No written explanation was received. **(Exhibit # 10)**
- 3.13 On June 3, 2011, an e-mail was sent to Mr. Bowen indicating that PDC staff had received his certified mail envelope containing a C-1, F-1, C-3, and C-4 reports. A response to the complaint was not included. Mr. Bowen was asked to respond to the allegations immediately. **(Exhibit #11)**
- 3.14 On June 24, 2011, a letter was mailed and e-mailed requesting that Mr. Bowen provide the requested information. Because he failed to respond to the original request for a written response, an interview was scheduled for July 6, 2011. He was asked to participate in person or by telephone. **(Exhibit # 12)**
- 3.15 On July 5, 2011, Mr. Bowen was sent an e-mail reminder of the appointment. Mr. Bowen responded indicating that he was available for a phone interview on July 15, 2011, or an in person interview on July 22, 2011. **(Exhibit # 13)**
- 3.16 On July 6, 2011, PDC staff sent an e-mail scheduling an interview for July 22, 2011, at the PDC office. **(Exhibit #14)**

- 3.17 On July 18, 2011, Mr. Bowen sent an e-mail stating he would not be in Seattle until August 21, 2011, and would stay until August 23, 2011. He requested that the interview be moved to accommodate these dates. **(Exhibit # 15)**
- 3.18 In a telephone call from Mr. Bowen, staff advised him that the August 21-23, 2011, dates for an interview were not acceptable because staff wanted to complete the investigation before the primary election. He became upset and asked for written policies on investigation deadlines. He stated he needed more time to prepare, and insisted on an in-person interview.
- 3.19 On July 20, 2010, Mr. Bowen wrote an e-mail stating that he had checked with his attorney and that the PDC was a “suppressor” by not allowing him time to have legal representation at his interview. **(Exhibit # 16)**
- 3.20 Mr. Stutzman and Mr. Bowen agreed on an interview date of August 23, 2011. Mr. Bowen was told he could have legal representation at his interview. **(Exhibit # 17)**
- 3.21 Mr. Bowen was sent an E-mail on August 18, 2011, reminding him of the interview, and the items he needed to bring with him. **(Exhibit # 18)**
- 3.22 Mr. Bowen failed to appear for his August 23, 2011, interview. He did not return a follow-up call.

Refusing to Allow Access to his Campaign Records

- 3.23 Campaign books must be open to the public for inspection between the hours of 8 a.m. and 8 p.m. from August 8, 2011 to August 15, 2011.
- 3.24 During the week of August 8, 2011 to August 15, 2011, newspaper reporter Jonathan Brunt, called and asked Mr. Bowen for an interview. In response Mr. Bowen e-mailed Mr. Brunt stating that he would not share any information with Mr. Brunt. In that e-mail he stated, “State law requires that the books are to be shown by appointment. All appointments have been filled for this primary election.” Mr. Brunt posted the above information on “Spin Control” a political blog site for the Spokane Spokesman-Review on August 11, 2011. **(Exhibit # 19)**
- 3.25 On August 11, 2011, Mr. Bowen called the PDC and talked with Doug Ellis, the Interim Executive Director. He was told that any inspection request must be honored. Mr. Bowen then e-mailed Mr. Brunt and told him he had called the PDC and learned that the law wasn’t as flexible as he thought. He stated that he was still completely booked and it would be too difficult to show his books to multiple people at the same time. **(Exhibit # 20)**

- 3.26 Mr. Brunt asked how many people have requested to see his books. Mr. Bowen stated, "Quite a few, I haven't added them all up yet."
- 3.27 Mr. Bowen has refused to cooperate with the PDC investigation. He has ignored written requests for information, has refused to talk with PDC staff on the telephone, and has scheduled and cancelled in-person and telephone interviews.

IV. Scope

- 4.1 Staff reviewed the complaint filed by Charles Skirko received on May 12, 2011.
- 4.2 Staff reviewed two F-1 and an e-mail amending the first F-1, one C-3 report, and two C-4 reports filed by the 2011 Christopher Bowen Campaign.
- 4.3 PDC staff talked with, and corresponded by e-mail and US Mail, with Mr. Bowen.
- 4.4 Staff reviewed the Spokane Spokesman-Review on-line blogs written by Jonathan Brunt.
- 4.5 PDC staff scheduled several interviews which were all postponed or ignored by Mr. Bowen.
- 4.6 PDC staff talked with the complainant, opponents, and vendors in an attempt to determine money that was contributed or spent.

V. Law

- 5.1 **RCW 42.17.080 and 090** require candidates to file timely, accurate reports of contributions and expenditures, including in-kind contributions. Under the full reporting option, until five months before the general election, C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report. C-4 reports are also required 21 and 7 days before each election, and in the month following the election, regardless of the level of activity. Contribution deposits made during this same time period must be disclosed on the Monday following the date of deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the

day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

- 5.2 **RCW 42.17.240** states, in part, that every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months. Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

Respectfully submitted this 1st day of September, 2011.



Randall R. Unruh
Senior Political Finance Specialist

List of Exhibits

- Exhibit 1** Complaint filed by Charles Skirko on May 12, 2011
- Exhibit 2** A C-4 Report faxed by Christopher Bowen on May 16, 2011
- Exhibit 3** Candidate Registration for the 2011 Christopher Bowen Campaign filed on March 22, 2011
- Exhibit 4** Candidate Registration for the 2011 Christopher Bowen Campaign filed on May 27, 2011
- Exhibit 5** A C-3 report filed by Christopher Bowen on May 27, 2011
- Exhibit 6** A C-4 report files by Christopher Bowen on May 27, 2011
- Exhibit 7** An F-1 Statement filed by Christopher Bowen on March 22, 2011
- Exhibit 8** A March 29, 2011, e-mail amending his F-1 employer
- Exhibit 9** F-1 Statement filed by Christopher Bowen on May 27, 2011.

- Exhibit 10** A letter mailed and e-mailed on May 19, 2011, to Christopher Bowen advising of the investigation and asking for a response.
- Exhibit 11** June 3, 2011, e-mail to Christopher Bowen requesting a response
- Exhibit 12** June 24, 2011, letter mailed and e-mailed to Christopher Bowen asking for a response and scheduling an interview for July 6, 2011
- Exhibit 13** July 5, 2011, e-mail reminder of interview, with a response from Bowen re-scheduling the interview
- Exhibit 14** July 6, 2011, e-mail to Christ Bowen scheduling interview for July 22, 2011
- Exhibit 15** July 18, 2011, e-mail from Christopher Bowen re-scheduling July 22, 2011, interview
- Exhibit 16** July 20, 2011, e-mail threatening legal action
- Exhibit 17** July 21, 2011, e-mail scheduling interview for August 23, 2011
- Exhibit 18** an e-mail sent to Christopher Bowen on August 18, 2011, reminding him of interview on August 23, 2011, and requesting certain records
- Exhibit 19** "Spin Control" blog dated August 11, 2011, written by Jonathan Brunt for the Spokane Spokesman-Review
- Exhibit 20** An additional "Spin Control" blog dated August 11, 2011, written by Jonathan Brunt for the Spokane Spokesman-Review