

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

In the Matter of Enforcement Action
Against:

Tom Stiger and 2009 Tom Stiger
Campaign

Respondent.

Case No. 12-139

STIPULATION AS TO FACTS,
VIOLATIONS AND PENALTY

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Andrea McNamara Doyle, and Respondent Tom Stiger and the 2009 Tom Stiger Campaign, submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission seeks to modify any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

JURISDICTION

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW and Chapter 42.17A RCW, Public Disclosure Acts; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.

FACTS

1. On September 5, 2009, Tom Stiger filed a Candidate Registration (C-1 report) declaring his candidacy for Port of Everett Commissioner for the 2009 special election.
2. Mr. Stiger selected the full reporting option indicating that he would file frequent, detailed campaign finance reports.

Alleged Failure to Timely File Four Campaign Receipts & Expenditure (C-4) Reports.

3. Under RCW 42.17.080, the campaign's expenditure reports (C-4 Reports) were due on October 13, 2009, October 27, 2009, December 10, 2009, and January 10, 2010. The campaign failed to file any C-4 Reports during the 2009 election cycle.

4. When the campaign eventually filed the C-4 Reports, more than two years late in 2011, they disclosed \$19,000 in previously unreported monetary expenditures, and an additional \$4,700 in previously unreported in-kind contributions from Mr. Stiger.
5. On October 28, 2011, the campaign paper-filed one C-4 report covering the period September 16, 2009 to November 1, 2009. On December 8 and 19, 2011, the campaign electronically-filed four C-4 reports for the 2009 election as follows:

2009 C-4 Report Period	2009 C-4 Due	2009 C-4 Filed	Contributions for Period	Expenditures for Period	Days Late
21-day Pre-General Sep. 1 – Oct. 12	10/13/09	Paper filed 10/28/11; E-Filed 12/8/11	\$ 7,812	\$ 4,570	745
7-day Pre-General Oct. 13 – Oct. 26	10/27/09	Paper filed 10/28/11; E-Filed 12/8/11	\$ 5,550	\$ 14,430	731
Post General Oct. 27 – Nov. 30	12/10/09	E-filed 12/19/11	\$ 5,638	\$ 0	739
December, 2009	1/10/10	E-filed 12/19/11	\$ 4,700	\$ 4,700	709
			\$23,700	\$23,700	

6. Prior to the November 3, 2009 general election, the public was deprived of information about the campaign's \$19,000 expenditures on political advertising, including vendors used and orders placed.

Alleged Failure to Timely File Two Campaign Contribution (C-3) Reports.

7. On October 7, 2009, the campaign received and deposited contributions from five contributors in the total amount of \$125. Under RCW 42.17.080, these contributions should have been reported on a C-3 Report due October 12, 2009. The campaign reported these contributions on December 8, 2011, 787 days late.
8. On October 20, 2009, the campaign received and deposited a \$5,000 contribution from Mr. Stiger's personal funds. Under RCW 42.17.080, this contribution should have been reported on a C-3 Report due October 26, 2009. The campaign reported this contribution on December 8, 2011, 773 days late.

9. The contributions noted above, reported on December 8, 2011, more than two years after the 2009 general election, are detailed in the chart below:

Contribution Received	Contribution Deposited	Amount of Contributions	C-3 Report Due	C-3 Report Filed	Days Late
10/7/2009	10/7/2009	\$ 125	10/12/2009	12/8/2011	787
10/20/2009	10/20/2009	\$ 5,000	10/26/2009	12/8/2011	773
Totals		\$ 5,125			773-787

Alleged Failure to File C-3 and C-4 Reports Electronically as required by RCW 42.17.3691.

10. By October 15, 2009, the campaign had made expenditures that exceeded \$10,000. Based on the campaign expenditure totals disclosed on the 7-day pre-general C-4 report and the expenditure thresholds listed in WAC 390-19-030, the campaign was therefore required to file its C-3 and C-4 reports electronically for the 2009 election beginning October 15, 2009.
11. The campaign timely filed seven C-3 Reports, disclosing the receipt of \$13,471 in monetary contributions. The campaign filed the seven C-3 reports with the Commission on paper. The campaign did not file any reports electronically during the 2009 election cycle.

Alleged Failure to Timely Report \$404 in New Monetary Contributions on Amended C-3 Reports.

12. When the campaign electronically re-filed all of its previously-filed paper C-3 Reports on December 8, 2011, the re-filed reports disclosed an additional \$404 in contributions that had not been disclosed on the original C-3 Reports.

LEGAL AUTHORITY

RCW 42.17.080 and .090 require candidates under the full reporting option to file timely, accurate reports of contribution and expenditure activities, including in-kind contributions. C-4 reports are required to be filed 21 and 7 days before each election. A post-election report, when the candidate's name appears on the ballot, must be filed in the months following the election if the campaign has raised or spent \$200 since the last report. In addition, C-3 reports are due every Monday to disclose contributions received and deposited during the previous seven days.

RCW 42.17.3691 states, in part: ...

(2) Beginning January 1, 2004, each candidate or political committee that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17.369. The

commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

(3) Failure by a candidate or political committee to comply with this section is a violation of this chapter.

WAC 390-19-030 stated in part during the 2009 election cycle:...

(1) The "electronic reporting threshold" that requires electronic filing of all contribution and expenditure reports is met when a candidate or political committee has expended \$10,000 or more in the preceding calendar year or expects to expend \$10,000 or more in the current calendar year.

(2) It is presumed that a filer "expects to expend" \$10,000 or more when any one of the following first occurs:

(a) A filer spends at least \$10,000; ...

(e) A filer's expenditures meet or exceed \$7,500 on or before September 30 of the current calendar year.

VIOLATIONS

Tom Stiger and the 2009 Tom Stiger campaign for Port of Everett Commissioner violated provisions of the state campaign finance disclosure laws during the 2009 election as follows:

- A. Failure to timely file four Campaign Receipts & Expenditure (C-4) Reports, disclosing \$19,000 in unreported expenditures and \$4,700 in unreported in-kind contributions, as required by RCW 42.17.080 and .090.
- B. Failure to timely file two Campaign Contribution (C-3) Reports, disclosing \$5,125 in unreported contributions, as required by RCW 42.17.080 and .090.
- C. Failure to file C-3 and C-4 Reports electronically as required by RCW 42.17.3691.
- D. Failure to timely report \$404 in campaign contributions on previously filed C-3 Reports, as required by RCW 42.17.080 and .090.

PENALTY

Based upon the stipulated facts and violations set forth above, Respondent Tom Stiger and the 2009 Tom Stiger Campaign agree that a civil penalty in the amount of \$3,000 may be assessed, with \$2,000 suspended on the following conditions:

- 1. Respondent is not found to have committed further violations of RCW 42.17 or RCW 42.17A during the period following entry of the Commission's Final Order in this matter through December 31, 2017; and

2. Respondent pays the non-suspended portion of the penalty (\$1,000) within 30 days from the date of the entry of the Commission's Final Order in this matter.

In the event that Respondent fails to meet any or all of conditions 1-2, the suspended portion of the penalty (\$2,000) shall become due without any further intervention of the Commission.

Respondent Tom Stiger affirms his intention to comply in good faith with the provisions of RCW 42.17A in the future.

Andrea M. Doyle
Andrea McNamara Doyle, Executive Director
Public Disclosure Commission

5/15/12
Date Signed

Tom Stiger
Tom Stiger, Port of Everett Commissioner
Respondent

MAY 14, 2012
Date Signed