



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Concerned Citizens of Kirkland
Attn: Kenneth Albinger
11819 103rd Avenue NE
Kirkland, WA 98034

In Re Compliance with RCW 42.17

Concerned Citizens of Kirkland

Kenneth Albinger

Arielle Albinger

Respondent.

PDC Case No. 12-154

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

A brief enforcement hearing (brief adjudicative proceeding) was held October 2, 2012, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Concerned Citizens of Kirkland violated WAC 390-16-125 by exceeding the limitations for Mini Reporting as a political committee as specified in WAC 390-16-105, and RCW 42.17.040, 42.17.080 and 42.17.090 before applying in writing to the Commission for authorization to change reporting options.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. Commission Chair Jennifer Joly was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. Kenneth Albinger, treasurer for the Respondent, participated by telephone and provided testimony that was considered by the Presiding Officer.

A brief enforcement hearing notice was sent to Concerned Citizens of Kirkland on September 21, 2012. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a first-time political committee that filed a Committee Registration (C-1pc report) on August 16, 2011.
2. The C-1pc disclosed that the Respondent selected the Mini Reporting option and was formed to oppose Bob Sternoff, an incumbent Kirkland City Councilmember who was running for re-election in 2011.

3. Under WAC 390-16-105, political committees selecting the Mini Reporting option are relieved from the basic filing requirements to file frequent, detailed reports of contribution and expenditure activities, provided their total contributions and expenditures do not exceed \$5,000, and aggregate contributions from any one person do not exceed \$500.

Allegations that Concerned Citizens of Kirkland exceeded the Mini Reporting limits

4. Kenneth Albinger, treasurer for the Respondent, made several out-of-pocket expenditures on behalf of the Respondent totaling \$449 for monetary and in-kind contributions between July 22 and August 12, 2011, to pay for: (1) The application fee for the committee's Federal Employer Identification Number; (2) The committee post office box rental; and (3) A \$220 monetary contribution as part of an initial start-up bank deposit to establish the committee's bank account.
5. On November, 1, 2011, Mr. Albinger made a \$675 out-of-pocket expenditure on behalf of the Respondent to pay for two newspaper advertisements that ran in the local Kirkland Reporter. PDC statutes, rules and reporting requirements state that coordinated expenditures involving a political committee are in-kind contributions to the benefitting political committee.
6. In accordance with WAC 390-05-210(6), Mr. Albinger's expenditures to pay for the Respondent's political advertisements are in-kind contributions from him. The Respondent received a \$675 in-kind loan from Mr. Albinger that, when combined with his prior contributions, exceeded the \$500 contribution limit for one contributor under the Mini Reporting option.
7. The \$675 in-kind contribution/loan from Mr. Albinger to the Respondent made his aggregate contribution total \$1,124, which exceeded the \$500 mini reporting limit for aggregate contributions from one person, by \$624.
8. Mr. Albinger stated that the committee was established in the summer of 2011 by a group of individuals because of Mr. Sternoff's activities as a Kirkland City Councilmember. He stated this was his first experience as a treasurer or officer for a campaign, that it was difficult to recruit volunteers to help in a campaign against an incumbent official, and that he was the primary person working on the campaign. He stated that he attempted to solicit contributions to pay for the newspaper advertisement, but was not successful. He said he was not familiar with the Mini Reporting requirements, and did not realize that his out of pocket expenses for the newspaper advertisement would be considered in-kind contributions that would count against the \$500 limit for aggregate contributions from one contributor.

PDC staff recommendation to dismiss allegations against Kenneth Albinger and Arielle Albinger

9. The complaint also alleged that : (1) Arielle Albinger, daughter of Kenneth Albinger, violated RCW 42.17.740 by making cash contributions to the Respondent (with U.S. currency) of \$300 and \$200; and

- (2) Kenneth Albinger violated RCW 42.17.120 by concealing the source of Arielle Albinger's cash contributions, or in the alternative, violated and RCW 42.17.730 by acting as an intermediary for Ms. Albinger's contributions without disclosing the information required of an intermediary.
10. Mr. Albinger stated that he accepted cash contributions of \$200 and \$300 on behalf of the Respondent from his daughter, Arielle, without preparing a receipt signed by the contributor and committee treasurer or deputy treasurer as required by RCW 42.17.060(5). Mr. Albinger said he was not aware of the limitations on cash contributions, and pledged to abide by these requirements for contributions in the future.
 11. Mr. Albinger stated that the allegation concerning the source of his daughter's contributions were false. Ms. Albinger submitted a response stating that she made an initial cash contribution of \$200, and later an additional cash contribution of \$300 from her own account and of her own free will.
 12. Ms. Albinger said she was not reimbursed for her two contributions, that she has a stable, well paying job, and that she wanted to make the contributions because she felt it was important to her community. Ms. Albinger said she was not aware that contributions above a certain amount needed to be made by written instrument. No evidence was provided by Mr. Nixon that the contributions were from someone other than Arielle Albinger.
 13. Staff noted that Ms. Albinger was not aware of the limitation on making cash contributions, and Kenneth Albinger was a first-time committee treasurer who was not aware of the rules concerning accepting cash contributions. No evidence was found that Mr. Albinger concealed the source of the contributions made by Arielle Albinger.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated WAC 390-16-125 by exceeding the limitations for a committee selecting the Mini Reporting option as specified in WAC 390-16-105, and RCW 42.17.040, 42.17.080 and 42.17.090 before applying in writing to the Commission for authorization to change reporting options.
3. Kenneth Albinger did not violate RCW 42.17.120 or 42.17.730. Arielle Albinger did not violate RCW 42.17.740.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that:

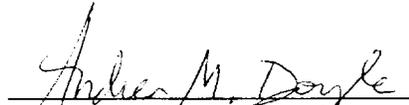
- A. **The allegations made against Kenneth Albinger for violating RCW 42.17.120 and 42.17.730 are dismissed;**
- B. **The allegation made against Arielle Albinger for violating RCW 42.17.740 is dismissed.**
- C. **The Respondent is assessed a civil penalty of \$200, of which \$100 is suspended on the following conditions:**
 - (1) **Respondent is not found to have committed any further violations of RCW 42.17A within four years of the date of the order; and**
 - (2) **The \$100 non-suspended portion of the penalty is paid within 30 days of the date of the order.**

If Respondent fails to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 16th day of October, 2012.

Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights