



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Scott Higgins
2726 NW 34TH CIRCLE
Camas, WA 98607

In Re Compliance with RCW 42.17

Scott Higgins

Respondent.

PDC Case No. 12-155

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 Scott Higgins violated RCW 42.17.080 and 42.17.090 by failing to timely file Summary Contribution and Expenditure reports (C-4 report) disclosing expenditure activities undertaken by his campaign.

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. The Respondent participated by telephone and provided testimony that was considered by the Presiding Officer.

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

FINDINGS OF FACT

1. The Respondent served as a Camas City Councilmember from 2001 through May of 2011. In June of 2011, he was appointed to serve as Mayor of the City of Camas.
2. On May 17, 2011, Mr. Higgins filed a Candidate Registration (C-1 report) declaring his candidacy for Mayor in 2011, listing himself as the campaign treasurer and initially selecting the Mini Reporting option.
3. The Respondent had previously selected the Mini Reporting option for all three of his prior city council campaigns.
4. The Respondent submitted a request letter, along with the appropriate paperwork, to change from the Mini Reporting option to the Full Reporting option. On September 15, 2011, the Respondent's request was approved.

5. Under the Full Reporting Option, the Respondent was required to file Summary Contribution and Expenditure reports (C-4 report) as follows: (1) A 21-day pre-general election C-4 report on October 18, 2011, covering the period September 1 through October 17, 2011; (2) A 7-day pre-general election C-4 report on November 1, 2011, covering the period October 18 through October 31, 2011; and (3) A post-general election C-4 report by December 10, 2011, covering the period November 1 through November 30, 2011.
6. The Respondent filed a C-4 report on January 31, 2012, disclosing \$7,256 in contributions received and \$7,256 in expenditures, but failed to attach the required Schedule A to the C-4 report itemizing the expenditures and providing the required detailed information for \$7,100 in expenditures.
7. On February 21, 2012, the Respondent filed the missing Schedule A to the C-4 report disclosing \$7,100 in previously un-reported campaign expenditures. Six of the expenditures totaled \$6,641, and were first disclosed to the public more than three and one half months after the 2011 general election, between 113 to 126 days late.
8. The Respondent stated that he accepted responsibility for the late-filed reports, and did not dispute the allegations. He acknowledged that he made a mistake, and noted that he has had no prior PDC violations. He apologized for his late-filed reports, saying that he was going through a difficult time as Mayor during the campaign, and that he let the difficulties distract him from his reporting responsibilities.

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 RCW 42.17.080 and 42.17.090 by failing to timely file Summary Contribution and Expenditure reports disclosing expenditure activities undertaken by his campaign.

ORDER

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

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$500, of which \$200 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 \$300 non-suspended portion of the penalty is paid within 30 days of the date of the order.**

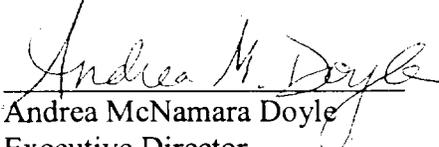
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If Respondent fails to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

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