



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

Evergreen Citizens for Schools  
Attn: Pat Norby, Treasurer  
16505 A SE First Street– PO Box 352  
Vancouver WA 98684

In Re Compliance with RCW 42.17

Evergreen Citizens for Schools

Respondent.

PDC Case No. 12-158

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

A brief enforcement hearing (brief adjudicative proceeding) was held January 24, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Evergreen Citizens for Schools violated RCW 42.17.080 and 42.17.090 by failing to timely disclose on Campaign Summary Receipts and Expenditures reports (Form C-4) expenditures for:

1. Four newspaper political advertisements that ran in *The Columbian* totaling \$9,681 in support of Proposition 1, a May 20, 2008, bond measure for the Evergreen School District; and
2. A survey of 200 registered voters related to the failed May 20, 2008 bond measure conducted by Conkling, Fiskum & McCormick in October of 2008, totaling \$5,500.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. Commission Vice-Chair Barry Sehlin was the Presiding Officer. The Commission staff was represented by Kurt Young, PDC Compliance Officer. The Respondent's treasurer, Pat Norby, participated by telephone and provided testimony to the Presiding Officer.

A brief enforcement hearing notice was sent to Evergreen Citizens for Schools on January 11, 2013. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent has been registered and reporting as a local political committee in support of Evergreen School District bond and levy elections dating back to 1997.

2. On December 14, 2007, the Respondent filed a Committee Registration (Form C-1pc) registering as an election year political committee supporting Proposition 1, a bond measure on the May 20, 2008 special election ballot. The C-1pc disclosed that the Respondent selected the Full Reporting option and listed Pat Norby as its Treasurer.
3. The Respondent timely filed Cash Receipts Monetary Contributions reports (C-3 reports) throughout the 2008 election.
4. The Respondent timely filed the required 21-day pre-special election C-4 report, the 7-day pre-special election C-4 report, and the post-special election C-4 report. As of July 31, 2008, the Respondent disclosed expenditures totaling \$51,296.
5. In response to a complaint being filed with the PDC alleging violations of campaign finance reporting requirements, on February 15, 2012, the Respondent filed a C-4 report for July 2008, disclosing the following: (A) An expenditure made to *The Columbian* on July 15, 2008, totaling \$9,681.99 for political advertising in the form of four newspaper advertisements that were ordered and ran prior to the May 20, 2008 special election; and (B) An expenditure made to Conkling, Fiskum & McCormick on October 22, 2008, totaling \$5,500 to conduct a survey related to the failed 2008 bond measure.
6. The newspaper advertisements that supported Proposition 1 ran in *The Columbian* on May 6, 7, 11, and 13, 2008. The expenditure information for the four newspaper advertisements was disclosed to the public 1,192 days late, more than three and one half years after the May 20, 2008 special election, and comprised approximately 18 percent of the committee's total spending for the election. The expenditure for the survey was disclosed 1,141 days late; however, the survey questions did not support or oppose any candidate or ballot proposition.
7. In her responses to the complaint, Ms. Norby stated *The Columbian* sent the bill for the newspaper advertisements to the address of the Respondent's former treasurer. The Respondent made a partial payment to *The Columbian* on June 3, 2008, which turned out to be for a separate, post-election "Thank you" advertisement in *The Columbian*, and not for the pre-election advertisements supporting Proposition 1.
8. Ms. Norby stated she was informed of the estimated charges from *The Columbian* after the 7-day pre-election C-4 report had been filed, and said she did not receive the final invoice until mid July 2008, which she paid on July 15, 2008. Ms. Norby stated she believed her June 3, 2008 payment was the final payment due.
9. Ms. Norby said she entered the expenditure information into the PDC electronic filing software (ORCA-On-line Reporting of Campaign Activities) after receiving the bill from *The Columbian* in mid July 2008. She stated she then inadvertently neglected to upload and transmit to the PDC an amended C-4 report disclosing the two additional expenditures. Ms. Norby apologized for the omission. She stated that she has been the treasurer for the Respondent since 2003 or 2004, and is now aware of the reporting requirements for committee expenditures.

10. The Respondent has no prior PDC violations.

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 on two occasions by failing to timely disclose: (1) A \$9,681 expenditure for four newspaper advertisements in *The Columbian* newspaper that ran in May of 2008; and (2) An expenditure for a survey costing \$5,500 which was conducted in October of 2008.

ORDER

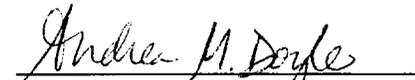
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED that the Respondent is assessed a total civil penalty of \$500, of which \$300 is suspended on the condition the Respondent is not found to have committed any further violations of RCW 42.17A within four years of the date of the order.**

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

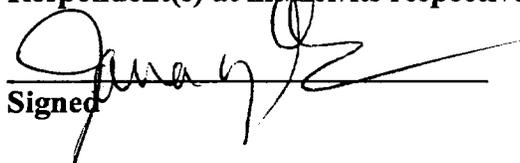
Entered this 31 day of January, 2013.

Public Disclosure Commission

  
\_\_\_\_\_  
Andrea McNamara Doyle  
Executive Director

Enclosure: Information about Appeal Rights

I, Jana y. Greer, certify that I mailed a copy of this order to the Respondent(s) at his/her/its respective address, postage pre-paid, on the date stated herein.

Signed 

Date 1/31/13

# INFORMATION ABOUT APPEALS OF INITIAL ORDERS, FURTHER APPEAL RIGHTS, AND ENFORCEMENT OF FINAL ORDERS

## APPEALS

### REVIEW OF INITIAL ORDER - BY THE COMMISSION

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission **review** an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review. *WAC 390-37-144.*
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request.

If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below. If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable.

If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order**. At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570.*

### RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150.* (Note that the date of service by the Commission on a party is considered the

date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

### **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

A **final order** issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

### **ENFORCEMENT OF FINAL ORDERS**

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.