



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Enforcement
Action Against

James Fossos and 2011 James
Fossos Campaign

Respondent.

PDC Case No. 12-159

Notice of Administrative Charges

I. Jurisdiction

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW and Chapter 42.17A RCW, the state's campaign disclosure and contribution laws; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

II. Allegations

2. PDC staff alleges that James Fossos, a candidate for Fire Commissioner for South King Fire and Rescue in 2011, and the 2011 James Fossos campaign, violated RCW 42.17.080 and 42.17.090 by:
 - A. Failing to timely disclose expenditures and in-kind contributions for political advertising, including newspaper advertising, printing and mailing, and signs on Campaign Summary Receipts and Expenditures reports (C-4 reports); and
 - B. Failing to timely disclose monetary contributions on Cash Receipts Monetary Contributions reports (C-3 reports).

III. Facts

3. On June 27, 2011, James Fossos filed a Candidate Registration (C-1 report) declaring his candidacy for re-election to Fire Commissioner for South King Fire and Rescue, and selecting the Full Reporting option. Mary Fossos, the candidate's spouse, was listed as the campaign treasurer.
4. Mr. Fossos was first elected as a Fire Commissioner in 1993 to a six-year term, and was subsequently re-elected in 1999 and 2005. He was unopposed for his two prior re-election campaigns, having selected the Mini Reporting option on his C-1 report in 1999 and 2005.
5. Prior to the November 8, 2011 general election, Mr. Fossos timely filed four C-4 reports. They included the August C-4 report, the 21-day pre-general election C-4 report, the 7-day pre-general election C-4 report, and a C-4 report stating that it included activity for the month of November (the post-general election reporting period) even though it was filed on November 7, 2011.

James Fossos failed to timely disclose campaign expenditures and in-kind contributions for political advertising

6. During the period March 31 through April 3, 2012, Mr. Fossos amended or filed for the first time three C-4 reports, disclosing \$15,632 in previously un-reported campaign expenditures and in-kind contributions, as detailed below:
7. **Amended 21-day pre-general election C-4 report:** On April 3, 2012, Mr. Fossos filed an amended 21-day pre-general election C-4 report disclosing the following previously un-reported 2011 campaign activities totaling \$6,227: (1) A \$4,656 campaign expenditure to EASL, Inc. on October 12, 2011 for postage; and (2) A \$1,571 in-kind contribution from Mr. Fossos for two expenditures he made to the Federal Way Mirror on September 20, 2011 for web advertisements. The \$6,227 in previously un-reported campaign activities were disclosed 167 days late and 147 days after the November 8, 2011 general election.
8. **Amended 7-day pre-general election C-4 report:** On April 3, 2012, Mr. Fossos filed an amended 7-day pre-general election C-4 report disclosing the following previously un-reported 2011 campaign activities totaling \$8,935: (1) A \$5,734 campaign expenditure to EASL, Inc. on October 18, 2011, for "*final invoice for mail piece print, design, et al...*;"

and (2) A \$3,201 in-kind contribution from Mr. Fossos for an expenditure he made to The Sign Shop on October 31, 2011 for campaign yard signs. The \$5,734 in previously un-reported campaign expenditures were disclosed 153 days late and 133 days after the November 8, 2011 general election. The \$3,201 in-kind contribution from Mr. Fossos for yard signs was disclosed six days late as an expenditure on a C-4 report filed on November 7, 2011, one day before the November 8, 2011 general election.

9. **Filed June 2011 C-4 report:** On March 31, 2012, Mr. Fossos filed a C-4 report for June 2011, covering the period June 22 through June 30, 2011, disclosing a \$470 in-kind contribution/loan from Mr. Fossos on June 24, 2011 for a political advertisement described as a "*festival ad.*" The political advertisement was required to have been disclosed by Mr. Fossos as an in-kind contribution on the June 2011 C-4 report that was due on July 11, 2011. This \$470 previously unreported in-kind contribution from Mr. Fossos was disclosed 264 days late and 112 days after the November 8, 2011 general election.
10. Of the total expenditures and in-kind contributions made for the benefit of Mr. Fossos:
(1) \$3,201 was disclosed six days late but prior to the November 8, 2011 general election being held; and (2) \$12,431 was disclosed 133 to 264 days late, and more than four months after the general election.

James Fossos failed to timely disclose monetary contributions on C-3 reports

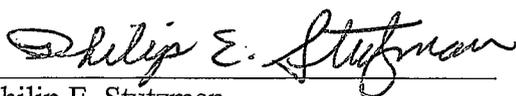
11. On March 31, 2012, Mr. Fossos filed three amended C-3 reports, disclosing \$1,510 in previously un-reported monetary contributions, including the following:
12. On October 28, 2011, an \$800 monetary contribution was received by Mr. Fossos from IAFF Fire PAC, located in Washington D.C. This \$800 contribution was disclosed 144 days late on March 31, 2012. The contribution was required to be disclosed on a C-3 report filed by November 7, 2011, since it was deposited on October 31, 2011.
13. On August 8, 2011, a \$300 monetary contribution was received from Don Kennedy. This \$300 contribution was disclosed 221 days late on March 31, 2012. The contribution was required to be disclosed on a C-3 report due to be filed on August 22, 2011, since it was deposited on August 15, 2011.

14. On September 6, 2011, six \$50 monetary contributions totaling \$300 were received from six individuals that should have been deposited by September 12, 2011 and disclosed on a C-3 report on September 19, 2011. The six contributions were previously reported as anonymous contributions. The contributors were identified and disclosed 193 days late.
15. On September 27, 2011, a \$50 monetary contribution was received from an individual. That contribution should have been deposited by October 3, 2011 and disclosed on a C-3 report on October 10, 2011. The \$50 contribution was disclosed 172 days late.
16. On October 4, 2011, a \$40 contribution was received from Louis Batayola. The contribution should have been reported on October 10, 2011, but was not reported until March 31, 2012, 173 days late.
17. On September 12, 2011, Mr. Fossos contributed \$20 in personal funds. This contribution should have been reported on September 19, 2011, but was not reported until March 31, 2012, 194 days late.
18. The corrected, total monetary contributions received by Mr. Fossos during the 2011 election was \$14,552. Of that total, \$13,042 was timely disclosed by Mr. Fossos before the election, and \$1,510 was disclosed late after the election.

IV. Law

RCW 42.17.080 and .090¹ 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, and a post-election report, when the candidates name appears on the ballot, and 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 disclosing contributions received and deposited during the previous seven days.

Respectfully Submitted this 15th day of March, 2013.



Philip E. Stutzman
Director of Compliance

¹ Effective January 1, 2012, RCW 42.17.080 and RCW 42.17.090 were re-codified as RCW 42.17A.235 and RCW 42.17A.240.