

**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.

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 James Fossos and the 2011 James Fossos 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, the state's campaign disclosure and contribution laws; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.

FACTS

1. 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.
2. 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.
3. Prior to the November 8, 2011 general election, Mr. Fossos timely filed four Campaign Summary Receipts and Expenditures reports (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.

Failure to timely disclose campaign expenditures and in-kind contributions for political advertising

4. 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:
5. **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.
6. **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.
7. **Late 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.

8. 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.

Failure to timely disclose monetary contributions on C-3 reports

9. On March 31, 2012, Mr. Fossos filed three amended Cash Receipts Monetary Contributions reports (C-3 reports), disclosing \$1,510 in previously un-reported monetary contributions, including the following:
 10. 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.
 11. 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.
 12. 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.
 13. 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.

14. 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.
15. 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.
16. 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.

LEGAL AUTHORITY

RCW 42.17.080 and .090¹ require candidates under the full reporting option to file timely, accurate reports disclosing contribution and campaign expenditure activities, including in-kind contributions from the candidate. C-4 reports are required to be filed 21 and 7 days before each election. When the candidate's name appears on the ballot, a post-election report must be filed in the month 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.

VIOLATIONS

James Fossos and the 2011 James Fossos campaign for Fire Commissioner for South King Fire and Rescue violated provisions of the state campaign finance disclosure laws during the 2011 election as follows:

- A. Failure 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. Failure to timely disclose monetary contributions on Cash Receipts Monetary Contributions reports (C-3 reports).

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.

PENALTY

Based upon the stipulated facts and violations set forth above, Respondent James Fossos and the 2011 James Fossos Campaign agree that a civil penalty in the amount of \$750 may be assessed, with \$250 suspended on the following conditions:

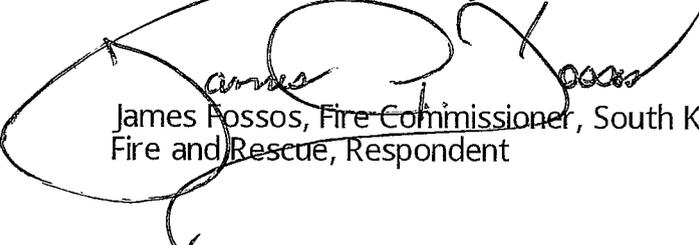
1. Respondent is not found to have committed further violations of RCW 42.17 or RCW 42.17A during the period following entry of the Commission's Final Order in this matter through December 31, 2017; and
2. Respondent pays the non-suspended portion of the penalty (\$500) within 30 days from the date of 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 (\$250) shall become due without any further action by the Commission.

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


Andrea McNamara Doyle, Executive Director
Public Disclosure Commission

3/22/13
Date Signed


James Fossos, Fire Commissioner, South King
Fire and Rescue, Respondent

03/18/2013
Date Signed