



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

February 4, 2014

DAVID CONDON  
PO BOX 412  
SPOKANE WA 99210

Subject: Complaint Filed by Tanya Riordan, PDC Case No. 12-247

Dear Mr. Condon:

With the concurrence of the Chair of the Public Disclosure Commission, I have dismissed the complaint filed against you by Tanya Riordan on November 3, 2011. Enclosed is a copy of the dismissal letter sent to Sharon Smith, the contact person designated by Ms. Riordan for her complaint.

I sincerely regret how long it has taken to bring this matter to conclusion, and appreciate your patience as PDC compliance staff members have worked their way through the backlog of complaints from the 2011 and 2012 election seasons.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853, or by e-mail at [phil.stutzman@pdc.wa.gov](mailto:phil.stutzman@pdc.wa.gov).

Sincerely,

Andrea McNamara Doyle  
Executive Director

Enclosure



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February 4, 2014

SHARON SMITH  
820 N POST ST #603  
SPOKANE WA 99201

Subject: Complaint filed against 2011 David Condon Campaign, PDC Case No. 12-247

Dear Ms. Smith:

On June 21, 2012, Public Disclosure Commission (PDC) staff received an email from Tanya Riordan, notifying staff that you would serve as the new contact person for her complaint against the 2011 David Condon campaign, received on November 3, 2011. Staff has completed its investigation of Ms. Riordan's complaint, alleging that the 2011 David Condon campaign violated RCW 42.17.640 by accepting contributions in excess of the \$800 per-election limit on contributions from individuals, political committees, unions, corporations and other non-individual entities. Ms. Riordan alleged that at the request of the 2011 David Condon campaign, Rod Scheidmiller, Hoyt Larison, Dealers Auto Auction Northwest, Barr-Tech LLC, and Northwest Industrial Services made a total of \$25,000 in contributions to the Washington State Republican Party (WSRP) Non-Exempt Account, with the understanding that WSRP would direct those contributions to Mr. Condon.

Ms. Riordan's complaint was considered in light of the following statutes:

**RCW 42.17.640<sup>1</sup>** limits contributions to candidates for mayoral office. The limits for individuals, unions, corporations, political committees and all other entities (other than a bona fide political party committee or legislative caucus committee) is \$800 for each election in which the candidate is on the ballot or appears as a write-in candidate.

**RCW 42.17.670<sup>2</sup>** states that all contributions made by a person or entity, either directly or indirectly, to a candidate, to a state official against whom recall charges have been filed, or to a political committee, are considered to be contributions from that person or entity to the candidate, state official, or political committee, as are contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state official, or political committee. For the purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, expressed or implied, or oral or written, that is intended to result in or does result in all or any part of a contribution being

<sup>1</sup> Effective January 1, 2012, RCW 42.17.640 was recodified as RCW 42.17A.405.

<sup>2</sup> Effective January 1, 2012, RCW 42.17.670 was recodified as RCW 42.17A.460.

made to a certain candidate or state official. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or state official, the contribution is considered to be by both the original contributor and the conduit or intermediary.

PDC staff reviewed Ms. Riordan's complaint, and David Condon's formal response to the complaint. Staff reviewed PDC reports and data submitted by Mr. Condon's campaign and WSRP in 2011. Staff conducted interviews under oath with Mr. Condon, his 2011 campaign fundraiser, WSRP's Executive Director during 2011, and with the contributors at issue in Ms. Riordan's complaint. As a result of our investigation, we found the following:

- David Condon confirmed that he contacted or spoke with contributors to his campaign, and encouraged them to contribute to WSRP. Dawn Sugasa, Mr. Condon's 2011 campaign fundraiser, stated that consistent with her past practice, she also urged Mr. Condon's supporters to contribute to WSRP. However, both Mr. Condon and Ms. Sugasa stated that they never suggested to any contributor that funds given to WSRP could be earmarked for contributions to Mr. Condon's campaign. Each stated that they understand the party's policy is that contributions to WSRP cannot be earmarked, and that expenditures are made at the sole discretion of WSRP officials.
- Although both Mr. Condon and Ms. Sugasa had a general practice of encouraging support for WSRP, neither recalled requesting or suggesting contributions to WSRP from Rod Scheidmiller, Hoyt Larison, or from representatives of DAA Northwest, Barr-Tech LLC, or Northwest Industrial Services. In addition, neither had any recollection of discussing the contributions to WSRP with the contributors, either before or after the contributions were made. Finally, the individuals who made or authorized the contributions each stated under oath that their contributions were not made at the request or suggestion of David Condon, or any person acting on his behalf.
- Four of the five contributors identified in Ms. Riordan's complaint stated that they did not indicate in any way to WSRP how they wished their contributions to be used. The fifth, Hoyt "Larry" Larison, stated that he did attempt to convey to WSRP his preference that his \$5,000 contribution be used to support David Condon, by writing the words "*Condon if possible*" on the memo line of his check.
- Peter Graves, the state party's Executive Director during the 2011 Spokane Mayoral race, stated that the party staff responsible for expenditure distribution were unaware that Mr. Larison had accompanied his \$5,000 contribution with any instructions. Mr. Graves stated that prior to receiving Mr. Larison's contribution, the party had a plan in place to contribute approximately \$60,000 to David Condon's 2011 campaign, and Mr. Larison's wishes had no impact on this plan. He stated that if WSRP staff had been aware of Mr. Larison's wishes, they would have given him the opportunity to either have his contribution processed in accordance with the limits and rules for earmarked contributions, or to accept a full refund. In any case, Mr. Graves stated that the party was unaware of Mr. Larison's wishes.

Sharon Smith

Complaint filed against 2011 David Condon Campaign – PDC Case No. 12-247

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- Mr. Graves confirmed that WSRP's policy is to refuse earmarked contributions. Because the party communicates this policy so consistently, he stated, he could not recall any instance during his time as WSRP Executive Director when the party received an earmarked contribution.
- Prior to WSRP's receipt of \$25,000 in total contributions from Rod Scheidmiller, Hoyt Larison, DAA Northwest, Barr-Tech LLC, and Northwest Industrial Services, the party's cash on hand was \$56,473, somewhat less than the \$63,000 the party would ultimately contribute to Mr. Condon. However, before making its first contribution to Mr. Condon on October 27, 2011, WSRP received \$79,622 in contributions from other sources, indicating that the party's contributions to Mr. Condon did not hinge on the \$25,000 at issue in this complaint.

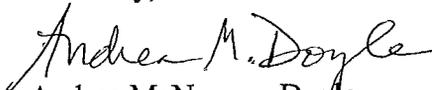
After a careful review of the alleged violations and relevant facts, we have concluded our investigation. We found insufficient evidence to demonstrate that David Condon had any understanding with WSRP or the contributors at issue in this complaint that contributions to WSRP would be used to support Mr. Condon's campaign. Although one contributor attempted to make an earmarked contribution to Mr. Condon through WSRP, the contributor's instructions apparently went unnoticed, and had no effect on the party's preplanned support for Mr. Condon.

Because staff's investigation has not revealed sufficient evidence to establish a material violation of any laws or regulations under the Commission's jurisdiction, I am dismissing Tanya Riordan's complaint against the 2011 David Condon campaign with the concurrence of the Chair of the Public Disclosure Commission.

I sincerely regret how long it has taken to bring this matter to conclusion, and appreciate your patience as PDC compliance staff members have worked their way through the backlog of complaints from the 2011 and 2012 election seasons.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828 or by e-mail at [phil.stutzman@pdc.wa.gov](mailto:phil.stutzman@pdc.wa.gov).

Sincerely,

  
Andrea McNamara Doyle  
Executive Director

c: David Condon  
Tanya Riordan