

1
2
3
4
5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **OF THE STATE OF WASHINGTON**

7 IN RE COMPLIANCE WITH RCW 42.17A:

PDC CASE NO. 13-022

FINAL ORDER

8 Mark McCrady

9 Respondent.
10
11

12 This matter came before the Washington State Public Disclosure Commission (PDC)
13 on October 23, 2014 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington.
14 Those present included Katrina Asay, Vice Chair; Amit Ranade, Member; and Kathy Turner,
15 Member. In attendance were Phil Stutzman, Director of Compliance; Andrea McNamara
16 Doyle, PDC Executive Director; Tony Perkins, Acting Assistant Director; Assistant Attorney
17 General Linda Dalton serving as Counsel for PDC staff; Assistant Attorney General Callie
18 Castillo serving as Counsel for the Commission; and Jana Greer as recorder/reporter of the
19 proceeding. The Respondent, Mark McCrady, was in attendance and addressed the
20 Commission. The proceeding was open to the public and recorded.

21 This case concerns allegations that the Respondent violated RCW 42.17A.555 by using
22 the facilities of Cowlitz PUD to assist his 2012 reelection campaign in the November 6, 2012
23 general election.

24 The staff investigation found that the Respondent violated RCW 42.17A.555 by (a)
25 using and authorizing the use of Cowlitz PUD facilities (staff time, camera, vehicles, and other
26 facilities) for a photo shoot that occurred in May of 2012 for the purpose of assisting

1 McCrady's 2012 reelection campaign; and (b) using or authorizing the use of Cowlitz PUD
2 facilities (staff time, computers, and other facilities) to prepare a briefing document which
3 McCrady used during an interview with the local newspaper editorial board the same day,
4 September 14, 2012, thereby assisting McCrady's re-election campaign.

5 The Commission was provided with a Report of Investigation dated October 10, 2014
6 (and exhibits); a Notice of Administrative Charges dated October 10, 2014; and a staff memo
7 dated October 22, 2014.

8 **Stipulation**

9 The parties jointly submitted a signed Stipulation as to Facts, Violations, and Penalty
10 (Stipulation). Mr. Stutzman summarized the Stipulation and comparable cases, and asked the
11 Commission to take appropriate action by accepting the Stipulation. Mr. McCrady urged the
12 Commission to accept the Stipulation.

13 After deliberating, the Commission accepted the facts and violations as detailed in the
14 Stipulation, but did not accept the stipulated penalty. The Commission proposed that the
15 Stipulation be amended to include a penalty of \$500 with \$250 suspended for a period of four
16 years from the date of the Commission's Final Order on the condition that Mr. McCrady: (1) Is
17 not found to have committed further violations during the period of the suspension; and (2)
18 Pays the non-suspended portion of the penalty (\$250) within 30 days from the date of the entry
19 of the Commission's Final Order in this matter. After considering the proposed penalty, the
20 parties accepted the Commission's amendment to the Stipulation.

21 The Commission voted 3-0 to accept the amended Stipulation as to Facts, Violations,
22 and Penalty.

23 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

24 Based upon the amended Stipulation, which is hereby attached and incorporated by
25 reference, the Commission finds and concludes:
26

- 1 1. The Jurisdiction, Facts, Legal Authority, and Violations are established as provided in
2 the amended Stipulation.
3 2. Respondent committed multiple violations of RCW 42.17A.555 as provided in the
4 amended Stipulation.
5 3. A civil penalty of \$500 with \$250 suspended on the conditions enumerated below is an
6 appropriate resolution of this matter with respect to the Respondent.
7

8 **II. ORDER**

9 Based upon the findings and conclusions, the Commission orders that:

- 10 1. The amended Stipulation is accepted.
11 2. The Respondent, Mark McCrady is assessed a civil penalty of \$500. Of the total penalty
12 amount, \$250 is suspended based on Respondent's compliance with the following
13 conditions:
14 a. Respondent is not found to have committed further violations of RCW 42.17A
15 within four years from the date of the Commission's Final Order in this matter;
16 and
17 b. Respondent pays the non-suspended portion of the penalty (\$250) within 30 days
18 from the date of entry of the Commission's Final Order in this matter.
19
20 3. In the event Respondent fails to meet either of the terms in paragraph 2, the suspended
21 portion of the penalty (\$250) shall become due without any further intervention of the
22 Commission.
23

24 //

25 //

1 The Executive Director is authorized to enter this order on behalf of the Commission.

2 So ORDERED this 4th day of November, 2014.

3 WASHINGTON STATE PUBLIC
4 DISCLOSURE COMMISSION

5 FOR THE COMMISSION:

6 *Andrea M. Doyle*
7 Andrea McNamara Doyle
8 Executive Director

9 **ATTACHMENTS**

- 10 (1) Amended Stipulation as to Facts, Violation, and Penalty
11 (2) Appeals and Enforcement of Final Orders

12 *Copy of this Order sent to:*
13 Mark McCrady
14 909 Hillcrest
15 Longview, WA 98632

16 *Philip E. Stutzman*
17 I, Philip E. Stutzman certify that I mailed a copy of this
18 order to the Respondent/Applicant at his/her respective address
19 postage pre-paid on the date stated herein.
20 *Sent by E-Mail + U.S. Mail*

21
22
23
24
25
26