



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 • Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Respect Asotin County

In Re Compliance with RCW 42.17 and
RCW 42.17A

Respect Asotin County

Respondent.

PDC Case No. 13-024

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

A brief enforcement hearing (brief adjudicative proceeding) was held December 12, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Respondent Respect Asotin County violated RCW 42.17.040¹ by failing to timely file Political Committee Registrations (C-1pc reports) for campaigns in support of home rule charter propositions in the 2011 and 2012 elections; RCW 42.17.080² and RCW 42.17A.235 by failing to maintain and preserve books of account, bills, receipts, and all other financial records of the political committee for not less than five calendar years following the year during which the transaction occurred; RCW 42.17.060(4)³ and RCW 42.17A.220(4) by depositing, using, or expending accumulated unidentified contributions in excess of the \$300 annual limit; and RCW 42.17.080, RCW 42.17.090⁴, RCW 42.17A.235 and RCW 42.17A.240 by failing to timely file Cash Receipts Monetary Contributions reports (C-3 reports) and Campaign Summary Receipts & Expenditures reports (C-4 reports) in support of Proposition 1, a home rule charter proposition in the 2012 election.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Respect Asotin County on December 2, 2013. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Tony Perkins, Lead Compliance Specialist. Respect Asotin County's treasurer, Richard Rogers, submitted written testimony prior to the hearing that was considered by the Presiding Officer.

¹ Effective January 1, 2012, Chapter RCW 42.17 was recodified as Chapter RCW 42.17A. In this Order, the law cited is the codification in effect at the time, e.g., the date that each report was due. RCW 42.17.040 was recodified as RCW 42.17A.205.

² RCW 42.17.080 was recodified as RCW 42.17A.235.

³ RCW 42.17.060(4) was recodified as RCW 42.17A.220(4).

⁴ RCW 42.17.090 was recodified as RCW 42.17A.240.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. Respondent Respect Asotin County (RAC) was a first-time political committee with the goal of creating a new home rule charter in Asotin County. RAC was active in campaigns in support of home rule charter propositions in the 2011 and 2012 elections.
2. Based on the date of its earliest activity on April 1, 2011, Respondent RAC was required to file a C-1pc report to register its campaign in support of a 2011 home rule proposition by no later than April 15, 2011. RAC's C-1pc registration was filed 693 days late on March 8, 2013.
3. In September of 2011, RAC began raising contributions and making expenditures in support of a home rule effort for 2012. RAC's March 8, 2013 C-1pc report, considered an after-the-fact registration for both 2011 and 2012, was filed approximately 540 days late for the 2012 campaign.
4. RAC was unaware of the recordkeeping and disclosure requirements for political committees in Washington law. As a result, RAC kept virtually no records of its expenditures, and routinely used a plastic Tupperware container to collect cash contributions at its meetings.
5. Due to the committee's lack of records, RAC accepted \$710 in unidentified contributions in 2011, or \$410 over the \$300 annual limit. RAC accepted \$2,120 in unidentified contributions in 2012, or \$1,820 over the annual limit. RAC expended \$2,063 of the \$2,230 in excess accumulated unidentified contributions it received.
6. RAC was required to disclose its monetary contribution deposits on C-3 reports filed between October 10, 2011 and October 8, 2012. The reports were filed between 154 and 518 days late on March 11, 2013.
7. RAC was required to disclose its monetary expenditures on C-4 reports filed between October 10, 2011 and December 10, 2012. The reports were filed between 91 and 518 days late on March 11, 2013. Seventy-five percent of RAC's expenditure activity (\$4,884 in television and radio advertisements and campaign signs) was required to be disclosed on the 21-day pre-general election C-4 report due on October 16, 2012. The activity was disclosed 146 days late, and after the 2012 general election, on March 11, 2013.
8. In written testimony, Richard Rogers stressed his committee's ignorance of the reporting and other requirements of RCW 42.17 and RCW 42.17A. He stated that any failure to comply was unintentional.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. Respondent Respect Asotin County violated RCW 42.17.040 by failing to timely file Political Committee Registrations (C-1pc reports) for campaigns in support of home rule charter propositions in the 2011 and 2012 elections.
3. Respondent Respect Asotin County violated RCW 42.17.080 and RCW 42.17A.235 by failing to maintain and preserve books of account, bills, receipts, and all other financial records of the political committee for not less than five calendar years following the year during which the transaction occurred.
4. Respondent Respect Asotin County violated RCW 42.17.060(4) and RCW 42.17A.220(4) by expending \$2,063 in excess accumulated unidentified contributions.
5. Respondent Respect Asotin County violated RCW 42.17.080, RCW 42.17.090, RCW 42.17A.235 and RCW 42.17A.240 by failing to timely file Cash Receipts Monetary Contributions reports (C-3 reports) and Campaign Summary Receipts & Expenditures reports (C-4 reports) in support of Proposition 1, a home rule charter proposition in the 2012 election.

ORDER

On the basis of the foregoing Findings of Fact and Conclusions of Law, and in consideration of the penalty factors set forth in WAC 390-37-182,

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$400, of which \$300 is suspended on the following conditions:

- 1. The Respondent is not found to have committed any additional violations of RCW 42.17A through December 31, 2015; and**
- 2. The Respondent pays the \$100 non-suspended portion of the penalty within 30 days of the date of this order.**

If the Respondent fails to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

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

Entered this 17th day of December, 2013.

Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Philip E. Stutzman, 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

12/17/2013
Date

**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.*