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7 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
8 **OF THE STATE OF WASHINGTON**

9 IN RE COMPLIANCE WITH RCW 42.17A:

PDC CASE NO. 13-026

10 Preserve Marriage Washington

FINAL ORDER

11 Respondent.
12

13 **I. INTRODUCTION**

14 This matter was heard by the Washington State Public Disclosure Commission (PDC) on
15 May 28, 2015 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington 98504.
16 The hearing was held pursuant to RCW 34.05, 42.17A, and WAC 390-37. The proceeding was
17 open to the public, recorded, and videotaped.

18 Commissioners Grant Degginger, Chair, Katrina Asay, Vice Chair, and Member John
19 Bridges were present. At the outset of the hearing, Member Anne Levinson recused herself and
20 did not participate in the hearing, nor was she present in the Commission meeting room. Director
21 of Compliance Phil Stutzman presented on behalf of PDC staff. Respondent appeared through
22 Joseph Vanderhulst, Legal Counsel for Preserve Marriage Washington, who participated by
23 telephone and addressed the Commission.

24 The PDC had before it the following materials:

- 25 1. Notice of Administrative Charges dated May 15, 2015;
26 2. Report of Investigation and attached Exhibits 1–11, dated May 15, 2015;

1 "Expenditure" is defined to include a contract, promise, or agreement, whether or not
2 legally enforceable, to make an expenditure. For the purposes of RCW 42.17A,
3 agreements to make expenditures, contracts, and promises to pay may be reported as
4 estimated obligations until actual payment is made.

5 3. RCW 42.17A.235 and .240 provides:

6 Political committees are required to file timely, accurate reports of monetary and in-
7 kind contributions, including contributions pledged but not received, and monetary
8 and in-kind expenditures, including debts, orders placed and obligations. The reports
9 are filed monthly following an excess of \$200 in contribution or expenditure activity,
10 except during the five months before the election, during which time summary reports
11 of receipts and expenditures are required to be filed 21 days and again 7 days before
12 each election in which the committee is participating. The reports must disclose any
13 debt, obligation, note, unpaid loan, or other liability valued at more than \$250, or
14 valued at more than \$50 that has been outstanding for over thirty days. Any
15 contributions received and expenditures made prior to the date of registration must
16 be disclosed on the day the registration is filed. Reports of contributions must include
17 the name and address of any contributor who has given more than \$25 in the
18 aggregate.

19 4. The PDC Staff has the burden of proving a violation of RCW 42.17A.235 and .240
20 by a preponderance of the evidence.

21 5. PDC Staff met its burden of proving that Respondent violated RCW 42.17A.235 and
22 .240 by failing to timely report expenditures, debts, and orders placed totaling \$297,587 during
23 its 2012 campaign opposing Referendum 74.

24 IV. ORDER

25 Based upon the findings and conclusion that a violation occurred, the Commission
26 orders:

1. The Stipulation of Facts, Violations and Penalty is accepted, and is amended to
include that the Respondent will pay the penalty within 60 days of the date of the Final Order.

2. The Respondent is assessed a civil penalty of \$5,000 for the violations of RCW
42.17A.235 and .240 to be paid within 60 days of the date of this Order.

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

2 So ORDERED this 10 day of June, 2015.

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4 WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

5 FOR THE COMMISSION:

6 
7 Frederick C. Kiga
Executive Director

8 **ATTACHMENTS:**

9 (1) *Stipulation as to Facts, Violations, and Penalty (May 27, 2015)*

10 *Copy of this Order to:*

10 Joseph Vanderhulst, Legal Counsel, Preserve Marriage Washington

11
12 I, Philip E. Stutzman certify that I
13 mailed a copy of this order to the
14 Respondent/Applicant at his/her respective
address postage pre-paid on the date stated
herein.

15 **NOTICE: RECONSIDERATION**

16 PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY
17 FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE
18 (21) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY
19 REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR
THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE
WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY,
ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.

20 **NOTICE: PETITION FOR JUDICIAL REVIEW**

21 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,
22 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW
23 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE
24 FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND
25 THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE
26 DATE THIS FINAL ORDER IS SERVED UPON YOU.