



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Matthew Tomaskin & 2012 Matthew Tomaskin Campaign
P.O. Box 302
Wapato, WA 98951

In Re Compliance with RCW 42.17A

Matthew Tomaskin & 2012 Matthew
Tomaskin Campaign

Respondent.

PDC Case No. 13-048

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 the Respondents violated RCW 42.17A.235 and .240 by failing to timely file Cash Receipts Monetary Contributions reports (C-3 reports), and by failing to file Campaign Summary Receipts & Expenditures reports (C-4 reports) disclosing contributions and expenditures undertaken during 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 Matthew Tomaskin and the 2012 Matthew Tomaskin Campaign on December 2, 2013. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. Matthew Tomaskin, and Asa Washines, Treasurer for 2012 Matthew Tomaskin Campaign, participated by telephone and provided testimony that was considered by the Presiding Officer.

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

FINDINGS OF FACT

1. On July 3, 2012, The Respondent filed a Candidate Registration (C-1 report) declaring his candidacy for State Representative in the 14th Legislative District, position 2, in 2012.
2. As a candidate under the Full Reporting option, the Respondent was required to file weekly C-3 reports beginning June 1, 2012, disclosing monetary contributions received, and C-4 reports 21 and 7 days before the primary and general elections, as well as post-primary election and post-general election C-4 reports, disclosing campaign expenditures.

Failure to report 2012 campaign expenditures

3. The Respondent did not file any C-4 reports during his 2012 campaign.

4. On September 9, 2013, Mr. Washines submitted two spreadsheets showing the candidate's contributions and expenditures during the 2012 campaign. Contributions totaled \$7,125 and expenditures totaled \$7,125.
5. The campaign reported its expenditures between 273 and 419 days late. The expenditures included: (1) \$3,664 for campaign signs; (2) \$1,014 for campaign mailers and literature handouts; (3) \$638 for several expenditures related to an October campaign event; (4) \$500 for radio advertising; (5) \$430 for campaign consulting; (6) \$300 for political advertising paid to the 14th Legislative District Democrats; (7) \$300 for gasoline for campaign volunteers to place and maintain campaign yard signs; and (8) \$280 for campaign supplies and a campaign website.

Failure to report 2012 campaign contributions

6. On October 22, 2012, the Respondent filed a single C-3 report disclosing the receipt of 10 monetary contributions totaling \$4,550. The contributions were reported as being received between May 22 and September 25, 2012, deposited on October 21, 2012, and disclosed between 14 and 140 days late, and eight days before the November 6, 2012 general election.
7. The Respondent's contributions included: (1) \$1,800 from the Washington Indian Gaming Association, received June 20, 2012; (2) \$900 from the Tulalip Nation received August 28, 2012; (3) \$900 from the Colville Nation received September 25, 2012; (4) \$500 from the Yakama Nation received July 28, 2012; and (5) \$450 from other contributors.
8. The Respondent also disclosed receiving three additional contributions totaling \$2,575 that were not reported on a C-3 report. These contributions were disclosed to PDC staff on September 9, 2013, between 344 and 406 days late. These contributions included: (1) \$900 from the Washington State Democrats received August 15, 2012; (2) \$1,650 from the 14th Legislative District Democrats received September 21, 2012; and (3) \$25 from an individual.

Additional Information

9. Mr. Washines stated that he was a first-time treasurer, and said he agreed to be treasurer until the campaign could find someone with PDC experience. He said the campaign was unable to find such a person which resulted in him remaining as treasurer throughout the campaign. Mr. Washines did not dispute the facts, and stated that he attempted to learn how to use the PDC's campaign filing software (ORCA). He said his efforts included reading the ORCA tutorials, but acknowledged he still does not fully understand how to use the software. He said he attended a PDC training class.
10. The Respondent confirmed that he was aware that Mr. Washines was struggling with the ORCA software as he was attempting to file reports with the PDC. He said there was no intent on the part of the campaign, Mr. Washines, or himself to misuse or mismanage any campaign funds. He said the campaign tried the best it could to comply with the law.
11. The Respondent acknowledged that in 2011 he ran as a freeholder candidate, but said he selected the Mini Reporting option and had no reporting requirements.

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. Respondents Matthew Tomaskin and 2012 Matthew Tomaskin Campaign violated RCW 42.17A.235 and 42.17A.240 on multiple occasions by failing to file, and failing to timely file, C-3 and C-4 reports disclosing 2012 campaign contributions and expenditures.

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 Respondents are assessed a civil penalty of \$400, of which \$250 is suspended on the following conditions:

1. **Neither Respondents nor Mr. Tomaskin's treasurer are found to have committed any additional violations of RCW 42.17A within four years from the date of this order;**
2. **The Respondents file a C-4 report within 60 days of the date of this order disclosing 2012 campaign activities; and**
3. **The Respondents pay the \$150 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.

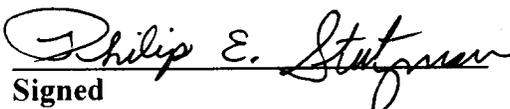
Entered this 17th day of December, 2013.

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.*