



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

In the Matter of Enforcement
Action Against

Whatcom First

Respondent.

PDC Case No. 14-005

Notice of Administrative Charges

I. Jurisdiction

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

II. Allegations

2. Staff alleges that Whatcom First violated RCW 42.17A.235 and 42.17A.240 by failing to timely and accurately file the 21-day and 7-day Pre-general election Campaign Summary Receipts & Expenditures reports (C-4 reports) and Cash Receipts Monetary Contributions reports (C-3 reports) disclosing contribution and expenditure activities undertaken during the 2013 election.

III. Facts

3. On September 16, 2013, Whatcom First filed a Committee Registration (C-1pc report) registering with the PDC as an "Other Political Committee" disclosing that Whatcom First was affiliated with Save Whatcom.

Incomplete/Late 21-day and 7-day Pre-general election C-4 Reports (RCW 42.17A.235 and 42.17A.240)

4. Whatcom First's 21 and 7-day pre-general election C-4 reports were incomplete when initially filed. The amended reports were filed 19 and 12 days late, as follows:

- 21-day C-4: On October 17, 2013, Whatcom First timely filed its initial C-4 report covering the period September 1 through October 15, 2013, and disclosing \$154,190 in monetary contributions received. This report also served as its 21-day pre-general election report. On November 3, 2013, two days before the general election, Whatcom First amended its 21-day pre-general election C-4 report and added \$5,442 in new, previously unreported monetary expenditures, and \$11,839 in previously unreported orders placed. The \$5,442 in new expenditures were all made on October 15, 2013, and included expenditures for mailing services and newspaper advertising. The \$11,839 in previously unreported orders placed were for printing 100,000 brochures, 19,600 postcards for newspaper inserts, campaign signs, and committee remittance envelopes. The \$17,281 in previously unreported expenditures were disclosed 19 days late.
- 7-day C-4: On October 29, 2013, Whatcom First timely filed its 7-day pre-general election C-4 report. However, the report did not include any orders placed, debts or obligations on Schedule B. On November 10, 2013, Whatcom First amended the report to include \$9,380 in orders placed, debts and obligations. These expenditures, for flyer inserts, printing of mail pieces, and postage, were filed 12 days late and seven days after the general election.

5. The late-reported expenditures and orders placed on the 21-day and 7-day pre-general election C-4 reports totaled \$26,661. Of that total, \$17,281 was disclosed 19 days late, and \$9,380 was disclosed 12 days late, representing 17.8 percent of Whatcom First's total campaign expenditures through October 29, 2013.

IV. Law

RCW 42.17A.235 and RCW 42.17A.240 require political committees to file timely, accurate reports of contributions and expenditures. Under the full reporting option, until five months before the general election, C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report, and 21 and 7 days before each election, regardless of the level of activity.

RESPECTFULLY SUBMITTED this 25th day of November, 2013.



Philip E. Stutzman
Director of Compliance