

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

In the Matter of Enforcement Action
Against:

Whatcom First

Respondent.

Case No. 14-005

STIPULATION AS TO FACTS,
VIOLATION AND PENALTY

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Andrea McNamara Doyle, and Respondent Whatcom First, through its attorney, Dan Brady, submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

JURISDICTION

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the state campaign finance and disclosure law; RCW 34.05, the Administrative Procedure Act; and WAC 390.

FACTS

1. 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 Expenditure (C-4) Reports (RCW 42.17A.235 and 42.17A.240)

2. Whatcom First's 21 and 7-day pre-general election Campaign Summary Receipts & Expenditures reports (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. Whatcom First reported these expenditures, for flyer inserts, printing of mail pieces, and postage, 12 days late and seven days after the general election.
3. 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.

STATUTORY AND RULE AUTHORITY

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.

VIOLATION

Based on the Stipulation of Facts set forth above, Respondent Whatcom First stipulates that the committee violated RCW 42.17A.235 and RCW 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.

PENALTY

Based upon the stipulated facts and violations set forth above, Respondent ~~Saving~~ Whatcom ^{First} ~~County dba Save Whatcom~~ agrees to pay a total civil penalty of \$1,000 with \$500 suspended on the following conditions: AND
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1. Respondent is not found to have committed further violations of RCW 42.17A within four years from the date of the Commission's Final Order in this matter; and
2. Respondent pays the non-suspended portion of the penalty (\$500) within 30 days from the date of entry of the Commission's Final Order in this matter.

In the event that Respondent fails to meet any or all of conditions 1-2, the suspended portion of the penalty (\$500) shall become due without any further action by the Commission.

Respondent Whatcom First affirms its intention to comply in good faith with the provisions of RCW 42.17A in the future.

Andrea M. Doyle
Andrea McNamara Doyle, Executive Director
Public Disclosure Commission

12/4/13
Date Signed

D. Brady
Dan Brady, Counsel for Respondent
Whatcom First

12/4/13
Date Signed