



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH  
RCW 42.17 and RCW 42.17A

Kristina Macomber

Respondent.

PDC Case No. 14-020

Report of Investigation

**I.**

**Background**

- 1.1 For the 2013 election cycle, Candidate Filing Week was May 13 through 17, 2013. Kristina Macomber completed and filed a Declaration of Candidacy seeking the office King County Council, Position No. 9 during that period.
- 1.2 On July 3, 2013, PDC staff sent out warning letters to candidates reminding them about the reporting requirements to file a Candidate Registration (C-1 report) and Personal Financial Affairs Statement (F-1 report) within two weeks of declaring their candidacies, or not later than May 31, 2013. Ms. Macomber was on the warning letter mailing list and received a C-1 and F-1 Warning letter.
- 1.3 On July 18, 2013, PDC staff sent a Brief Enforcement Hearing Notice to Ms. Macomber informing her about an August 1, 2013, Brief Enforcement hearing scheduled for her alleging that she failed to file a C-1 report and F-1 report. **Exhibit # 1.**
- 1.4 On July 22, 2013, Kristina Macomber filed a C-1 report formally declaring her candidacy with the PDC as a first-time candidate seeking election to the King County Council. Ms. Macomber selected the Full Reporting option indicating that frequent detailed campaign contribution and expenditure reports would be filed. **Exhibit # 2.** Ms. Macomber failed to file an F-1 report.
- 1.5 On July 24, 2013, John Mueller filed a complaint with the PDC alleging that Ms. Macomber had been conducting a campaign as a candidate for King County Council, Position No. 9, but she had failed to file any PDC reports disclosing a campaign website and other campaign related activities. **Exhibit # 3.**
- 1.6 On August 1, 2013, PDC staff conducted a Brief Enforcement Hearing in which the Presiding Officer found Ms. Macomber in violation of RCW 42.17A.205 for failing to timely file a C-1 report, and RCW 42.17A.700 for failing to file an F-1 report in PDC Case No. 13-126. The Presiding Officer assessed a \$250 civil penalty in accordance with WAC 390-37-165.

- 1.7 On August 6, 2013, Ms. Macomber finished third in a 3-way contested primary to Reagan Dunn (55.6%), and Sheri Song (35.2%), receiving 8.7% of the votes cast.
- 1.8 On August 15, 2013, PDC staff sent the Order from the Brief Enforcement Hearing to Ms. Macomber in PDC Case No. 13-126.

## II.

### Allegations & Summary of Investigative Findings

- 2.1 The complaint alleged that the 2013 Committee to Elect Kristina Macomber (Macomber Campaign) violated RCW 42.17A.235 and .240 by failing to file any Cash Receipts Monetary Contributions reports (C-3 reports), or Campaign Summary Receipts & Expenditures reports (C-4 reports) disclosing contribution and expenditure activities undertaken by the Campaign, including a campaign website.
- 2.2 During the 2013 primary election, the Campaign failed to any C-3 or C-4 reports despite having selected the Full Reporting option. PDC staff estimated that the Campaign spent less than \$2,000 in total during the 2013 primary election

## III.

### Detailed Findings

- 3.1 Candidates under the Full Reporting option and appearing on the 2013 primary election ballot were required to file C-3 reports weekly beginning June 1, 2013, and also the following C-4 reports:
  - Monthly C-4 reports due to be filed by the 10<sup>th</sup> of the month disclosing contribution and expenditure activities incurred in the previous calendar month, if more than \$200;
  - A 21-day pre-primary election C-4 report due on July 16, 2013, covering the period June 1 through July 15, 2013;
  - A 7-day pre-primary election C-4 report due on July 30, 2013, covering the period July 16 through July 29, 2013; and
  - A post-primary election C-4 report by September 10, 2013, covering the period July 30 through August 31, 2013.
- 3.2 The Macomber Campaign failed to file any C-3 or C-4 reports despite having selected the Full Reporting option.
- 3.3 Prior to opening a formal investigation of the complaint, on August 9, 2013, PDC staff sent a letter to Ms. Macomber notifying her of Mr. Mueller's complaint, and providing her with an opportunity to respond to the complaint and file the missing reports. No response or C-3 or C-4 campaign finance reports were received from Ms. Macomber.
- 3.4 On September 19, 2013, PDC staff sent an additional letter to Ms. Macomber notifying her of Mr. Mueller's complaint, and providing her an additional opportunity to respond to the complaint and file the missing reports. No response or C-3 or C-4 campaign finance reports were received from Ms. Macomber.

- 3.5 On January 23, 2014, PDC sent a letter to Ms. Macomber notifying her that PDC staff opened a formal investigation into Mr. Mueller's complaint. Staff asked Ms. Macomber to respond to the allegations in the complaint and file the missing reports by February 6, 2014. **Exhibit # 4.**
- 3.6 Ms. Macomber did not respond to staff's January 23, 2014 complaint letter, nor did she file any C-3 or C-4 reports.
- 3.7 On April 3, 2014, PDC staff again notified Ms. Macomber that the PDC had opened a formal investigation into Mr. Mueller's complaint, and asked her to provide a response to the allegations in the complaint and file the missing C-3 or C-4 reports by April 18, 2014. **Exhibit # 5.**
- 3.8 Ms. Macomber did not respond to staff's April 3, 2014 complaint letter, and she did not file the missing C-3 and C-4 reports.
- 3.9 On July 14, 2014, PDC staff contacted Brandy Keippala, Treasurer for the Campaign, by telephone, provided her with staff's email address, and asked her to respond by email summarizing the campaign's activities.
- 3.10 On July 14, 2014, Ms. Keippala sent an email to PDC staff concerning the campaign's contribution and expenditure activities. **Exhibit #6.** Ms. Keippala stated she spoke with Ms. Macomber and that she confirmed:
- "...that the only expenditures were out of her own pocket. She received no campaign contributions. I know that she paid for some flyers (approx \$100), a PO Box for three months, and the campaign fee. I have on my records that we filed a C-1 on June 24, 2013..."*
- 3.11 PDC staff reviewed the PDC's 2013 expenditures database and Ms. Macomber's campaign website and found:
- The filing fee for a King County Council candidate in 2013 was \$1,395.91.
  - Candidate expenditures for Post Office box rentals covering three to six months were disclosed as costing \$30 to \$74.
  - Candidate expenditures for campaign websites included domain names for as little as \$10 and website hosting fees for as low as \$20 to \$30.
- 3.12 Staff estimated that Ms. Macomber's 2013 campaign spent less than \$2,000 in total during the 2013 primary election which included: (1) \$1,395.91 for the filing fee for King County Council in 2013; (2) \$100 to print flyers; (3) \$50 for a three month post office box rental; and (4) Less than \$50 to create a fairly generic simple website that consisted of a couple of pages and a few links.
- 3.13 In addition to PDC staff's correspondence with Ms. Macomber as detailed above, staff also sent collection reminder letters concerning the \$250 outstanding penalty assessed in PDC Case No. 13-126 as follows:

- September 30, 2013: Initial collection letter sent to Ms. Macomber requesting she pay the \$250 outstanding penalty assessed.
  - October 30, 2013: Second collection letter sent to Ms. Macomber requesting she pay the \$250 outstanding penalty assessed.
  - February 13, 2014: Third collection letter sent to Ms. Macomber requesting she pay the \$250 outstanding penalty assessed.
  - April 2, 2014: Final collection letter sent to Ms. Macomber requesting she pay the \$250 outstanding penalty assessed.
- 3.14 On May 16, 2014, Ms. Macomber's \$250 outstanding penalty in PDC Case No. 13-126 was sent to AllianceOne for collections.

**IV.**  
**Scope**

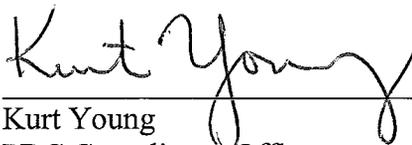
4.1 PDC staff reviewed:

- The complaint filed by John Mueller against Kristina Macomber.
- Information on the Kristina Macomber candidate website.
- Information on the King County Elections website.
- Information on the PDC's website and internal filing system (Application Extender).
- Correspondence with Ms. Macomber's treasurer.

**V.**  
**Laws and Rules**

5.1 **RCW 42.17A.235 and .240** require political candidates to file timely, accurate reports of contributions and expenditures, including in-kind contributions. 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. C-4 reports are also required 21 and 7 days before each election, and in the month following the election, regardless of the level of activity. Contributions are reported weekly during this same time period, and must be disclosed on Monday for contributions deposited the previous seven days.

Respectfully submitted this 20<sup>th</sup> day of November, 2014.

  
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Kurt Young  
PDC Compliance Officer

**List of Exhibits**

- Exhibit #1** July 18, 2013, Brief Enforcement Hearing Notice for missing C-1 and F-1 reports.
- Exhibit #2** July 22, 2013, Kristina Macomber Candidate Registration (C-1 report).
- Exhibit # 3** July 24, 2013, John Mueller complaint alleging that Ms. Macomber had failed to file C-3 and C-4 reports.
- Exhibit # 4** January 23, 2014, letter notifying Ms. Macomber of formal investigation of Mr. Mueller's complaint.
- Exhibit # 5** April 3, 2014, letter to Ms. Macomber requesting a response to the complaint.
- Exhibit # 6** July 14, 2014, email from Brandy Keippala, Treasurer for the Kristina Macomber Campaign.