



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Enforcement
Action Against

Kitsap County Prosecuting Attorney
Guild

Respondent.

PDC Case No. 15-042

Notice of Administrative Charges

I. Jurisdiction

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the state campaign finance and disclosure laws; 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 the Kitsap County Prosecuting Attorney Guild (Guild) violated RCW 42.17A.405(2) by making an over-limit in-kind contribution in the amount of approximately \$1,151 to the 2014 Russell Hauge re-election campaign, when the Guild copied graphic content, a picture of Mr. Hauge, and endorsement quotes from Mr. Hauge's campaign website, and used this material in political advertising reported as an Independent Expenditure in support of Mr. Hauge.

III. Facts

3. On April 21, 2014, Russell Hauge filed a Candidate Registration (C-1 report) registering his campaign for re-election to the office of Kitsap County Prosecuting Attorney in 2014. Mr. Hauge faced three challengers, and was defeated by Tina Robinson in the November 5, 2014 general election.

4. On June 18, 2014, the Hauge Campaign filed a Monetary Contributions report (C-3 report) disclosing the receipt of a \$950 contribution from the Guild, the maximum allowable contribution for the 2014 primary election.
5. On June 21, 2014, the Guild approved expenditures for independent expenditure political advertising (IEs) that supported Mr. Hauge's re-election campaign. On July 25, 2014, the Guild timely filed a report of Independent Expenditures (C-6 report) disclosing that on July 24, 2014, it spent \$6,300 to purchase a series of newspaper and on-line advertisements from the Kitsap Sun in support of Mr. Hauge. The total cost was later revised to \$5,753 by the newspaper. The C-6 report disclosed that the IE was first presented to the public on July 24, 2014.
6. No evidence was found that the Guild consulted with the Hauge campaign or sought permission to copy content from Mr. Hauge's publically available campaign website.
7. The Guild's IE political advertising included content copied from the Hauge campaign website, including: (1) The heading "*Re-Elect Russ Hauge...Kitsap County Prosecutor - Democrat*" using the same font, colors, and graphic design; (2) A photograph of Mr. Hauge; and (3) A quote from Congressman Derek Kilmer in support of Mr. Hauge. The Guild's political advertising also included some of the same law enforcement endorsements used by the Hauge campaign on its website.
8. PDC staff estimated that 20 percent of the Guild's political advertising content was copied from the Hauge campaign website. RCW 42.17A.005(13)(a)(iii) and WAC 390-05-210(2) define the term "contribution" to include, "*The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee[.]*" Accordingly, the Guild made an in-kind contribution to the Hauge campaign of approximately \$1,151, or 20% of the value of the Guild's \$5,753 expenditures in support of Mr. Hauge.

9. Aggregated together with the Guild's prior \$950 primary election contribution to Mr. Hauge, the Guild's \$1,151 in-kind contribution exceeded the primary election limit by \$1,151.

IV. Law

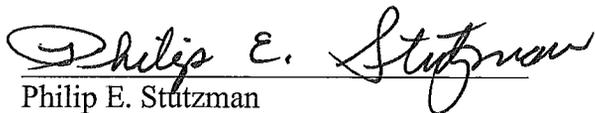
RCW 42.17A.005(13)(a) defines "Contribution" to include "(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents; [and]

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent[.]"

WAC 390-05-210(2) *Duplicating political advertising*, states, "The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee is a contribution to the candidate or political committee."

RCW 42.17A.405(2) limits the amount of contributions that a person, other than a bona fide political party or a caucus political committee, may make to a candidate for county office, to \$950 per election. **WAC 390-05-400** revises the dollar amounts for the contribution limits to reflect changes in economic conditions.

RESPECTFULLY SUBMITTED this 15th day of May, 2015.



Philip E. Stutzman
Director of Compliance