STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111
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December 22, 2015

Josephine Townsend
211 East 11th Street Suite No. 104
Vancouver WA 98660

Order sent electronically Josephine Townsend "jctownsend@aol.com

Subject: PDC Case No. 15-079

Dear Ms. Townsend:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

The Presiding Officer assessed a civil penalty of $200 civil penalty, of which the entire $200 penalty is suspended on the condition you commit no further violations of RCW 42.17A for four years from the date of the Order.

Thank you for your participation in the Brief Enforcement hearing. If you have any questions, please contact me at (360) 664-8854; or by email at kurt.young@pdc.wa.gov.

Sincerely,

Kurt Young
Compliance Officer

Enclosure

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Josephine Townsend
211 East 11th Street Suite No. 104
Vancouver WA 98660

In Re Compliance with RCW 42.17A	PDC Case No. 15-079
Josephine Townsend Respondent.	Findings of Fact, Conclusions of Law, and **Order Imposing Fine**

A brief enforcement hearing (brief adjudicative proceeding) was held December 17, 2015, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Josephine Townsend violated RCW 42.17A.235 and .240 by failing to timely file Campaign Summary Contributions and Expenditures reports (C-4 reports) disclosing expenditures, in-kind contributions, candidate loans, and orders-placed for political advertisements and other campaign related activities.

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 Josephine Townsend on December 2, 2015. Commission Chair Katrina Asay was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent participated by telephone and provided testimony to the Presiding Officer.

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

FINDINGS OF FACT

1. On May 21, 2014, the Respondent filed a Candidate Registration (C-1 report) declaring her candidacy for Clark County Prosecuting Attorney in 2014, and selecting the Full Reporting option.

2. The Respondent's name appeared on the August 5, 2014 primary election ballot and the November 4, 2014 general election ballot requiring her to file: (1) a 21-day and 7-day pre-primary election C-4 report, and a post-primary election C-4 report; and (2) a 21-day and 7-day pre-general election C-4 report, and a post-general election C-4 report.

3. On August 18, 2014, the Respondent's campaign filed its 21-day pre-primary election C-4 report disclosing the receipt of monetary and in-kind contributions totaling $8,710 and expenditures totaling $7,133. The C-4 report was filed 33 days late and 13 days after the primary election.

4. On September 24, 2015, the Campaign filed the 7-day pre-primary election C-4 report, the 7-day pre-general election C-4 report, and the post-general election C-4 report, disclosing the following:

   - 7-day pre-primary election C-4 report: The 7-day pre-primary election C-4 report was filed 14 months late disclosing the receipt of $500 in monetary contributions, $35 in un-itemized expenditures, and the previously reported $4,983 for orders placed, debts and obligations owed to Ms. Townsend.

   - 7-day pre-general election C-4 report: The 7-day pre-general election C-4 report was filed 11 months late and disclosed the receipt of $1,075 in monetary contributions (that were timely reported on C-3 reports), no expenditures were made during the reporting period, and $7,979 in orders placed, debts and obligations were owed to Ms. Townsend.

   - Post-general election C-4 report: The post-general election C-4 report was filed nine months and 14 days late, and disclosed that no contributions were received and no expenditures were made during the reporting period, and the Campaign still owed Ms. Townsend $7,979 in previously reported orders placed, debts and obligations.

5. On December 14, 2015, after the hearing notice, Report of Investigation and Brief Hearing Charges were issued, the Campaign filed an amended 21-day pre-primary election C-4 report disclosing an additional $1,854 worth of in-kind contributions from Ms. Townsend in the form of candidate loans that included the Clark County fair booth rental fee, and the costs of equipment, set-up and passes to the fair for fair booth volunteers. The additional in-kind contributions/loans were disclosed more than 17 months late.

6. The Respondent stated that she took responsibility for the late filed campaign finance reports. She stated that she hired a Certified Public Accountant to file the campaign finance reports for her, and she thought that the C-4 reports were being timely filed by her Treasurer. She stated that she was disappointed when she was notified of the complaint and discovered that her Treasurer had not been timely transmitting the campaigns C-4 reports electronically to the PDC. She stated that she did not check the PDC website during the campaign to see if the reports had been filed.

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. The Respondent violated RCW 42.17A.235 and .240 on multiple occasions by failing to timely file the 21-day pre-primary election C-4 report, the 7-day pre-primary election C-4 report, the 7-day pre-general election C-4 report, and the post-general election C-4 report, disclosing expenditures, in-kind contributions, candidate loans, and outstanding liabilities.

ORDER

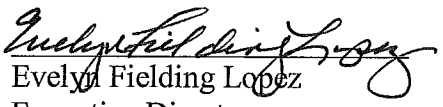
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent is assessed a $200 civil penalty, of which the entire $200 penalty is suspended on the condition the Respondent commits no further violations of RCW 42.17A for four years from the date of the Order

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 22nd day of December, 2015.

Public Disclosure Commission



Evelyn Fielding Lopez
Executive Director

I, Kurt Young, certify that I mailed a copy of this order to the Respondent/Applicant at his/her respective address postage pre-paid on the date stated herein.

Enclosure: Information about Appeal Rights

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.*

- Note: the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). (The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150.*

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5).*

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A **final order** issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755.* The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.