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

9 In re the Matter of Enforcement Action Against
10 Marc Boldt,
11 Respondent.

PDC CASE NO. 1195
FINAL ORDER

12
13 **I. INTRODUCTION**

14 This matter was heard by the Washington State Public Disclosure Commission
15 (Commission) on January 26, 2017 at the Public Disclosure Commission Office, 711 Capitol
16 Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to RCW 34.05,
17 RCW 42.17A, and WAC 390-37. The proceeding was open to the public and recorded.

18 Commissioners Anne Levinson, Chair, John Bridges, Vice Chair, Katrina Asay and Jack
19 Johnson were present. Kurt Young, Compliance Officer, presented the matter on behalf of
20 Public Disclosure Commission Staff (Staff). Chad Standifer, Assistant Attorney General, was
21 also present on behalf of Staff. The Respondent Marc Boldt was present by phone.
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23 The parties submitted to the Commission a proposed Stipulation as to Facts, Violation
24 and Penalty. The Commission determined that the Stipulation would be accepted with
25 modification. The parties agreed to the Commission's modification.
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1 Based on the Stipulation, the Commission HEREBY ORDERS that the following
2 Findings of Fact, Conclusions of Law, and Final Order of the Commission be entered:

3 **II. FINDINGS OF FACT**

4 1. On April 16, 2015, Marc Boldt filed a Candidate Registration (C-1 report)
5 declaring his candidacy for Clark County Commissioner in 2015, selecting the Full Reporting
6 option, and listing himself as Treasurer and his Party Preference as Republican.

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8 2. Mr. Boldt served as Clark County Commissioner from 2005 to 2012. Prior to
9 that, he served as State Representative, Position No. 1 in the 17th Legislative District from 1994
10 to 2004.

11 3. On May 19, 2015, Mr. Boldt filed an amended C-1 report disclosing that he was
12 running for Clark County Council, and listing his Political Party Preference as "None."

13 4. The Clark County Council Chair is a new position as a result of the Clark County
14 Charter Review which changed the form of government from a County Commission with three
15 elected Commissioners to a County Council with four elected Council members and an elected
16 County Council Chair.

17 **Allegation 1: Failure to timely file C-3 and C-4 reports (RCW 42.17A.235 & .240).**

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19 5. The Marc Boldt Campaign (Campaign) failed to timely file four C-4 reports
20 during the 2015 election cycle that included the May C-4 report, the 21-day Pre-Primary Election
21 C-4 report, the Post-Primary Election C-4 report, and the 21-day Pre-General Election C-4
22 report.

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- 1 • May C-4 report: The C-4 report was filed on June 21, 2015, 11 days late
2 disclosing \$4,250.00 in monetary contributions received, and \$1,886.00 in
3 expenditures made that included \$636.00 for the candidate filing fee.
4
5 • 21-day Pre-Primary Election C-4 report: The C-4 report was filed on July 25,
6 2015, 11 days late disclosing \$4,575.00 in monetary contributions received,
7 and \$4,537.00 in expenditures made that included \$2,598.00 for yard signs
8 and materials, and \$796.00 for newspaper advertisements. The C-4 report
9 was filed nine days prior to the August 4, 2015 primary election being held.
10
11 • Post-Primary Election C-4 report: The C-4 report was filed on September 15,
12 2015, five days late disclosing \$6,703.00 in monetary contributions received
13 and \$5,095.00 in expenditures made that included \$2,548.00 for newspaper
14 advertisements, \$1,000.00 for campaign management, and \$828.00 for
15 campaign robo-calls.
16
17 • 21-day Pre-General Election C-4 report: The C-4 report was filed on
18 November 3, 2015, 14 days late disclosing \$9,950.00 in monetary
19 contributions received and \$14,483.00 in expenditures made that included
20 \$5,916.00 for newspaper ads, \$4,305.00 for campaign signs and materials,
21 and \$2,000.00 for campaign management. C-4 report was filed one week
22 prior to the general election.

23 6. Staff found there were 23 monetary contributions received by the Campaign
24 totaling \$5,850.00 that were listed on C-3 reports that were disclosed late. The 23 monetary
25 contributions were disclosed one to 15 days late, and represented 8.8% of total monetary
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1 contributions received by the Campaign.

2 **Allegation 2: Failure to timely deposit campaign contributions (RCW 42.17A220).**

3 7. The Campaign disclosed receiving 23 monetary contributions on various C-3
4 reports that were held for more than five business days prior to being deposited totaling
5 \$5,850.00. The 23 monetary contributions were deposited one to 18 days late.
6

7 **Allegation No. 3: Failure to maintain campaign records for expenditures that were
8 disclosed on C-4 reports (RCW 42.17A.235)**

9 8. During the course of the investigation, staff requested that Mr. Boldt provide
10 documentation for specific expenditures that had been made by the Campaign and disclosed on
11 the Post-General Election C-4 report for political advertisements, for lost wages, for consulting
12 work, and for repayment made to an individual for the rental of a truck. Staff requested the
13 documentation in order to confirm that the expenditures had been timely and accurately
14 disclosed.

15 9. Mr. Boldt acknowledged that he did not maintain the invoices or any other back
16 up documentation for any of the expenditures made by the 2015 Campaign. He stated that he
17 did a better job of keeping track of the monetary contributions received by his Campaign, than
18 he did for the expenditures made by the Campaign.
19

20 **Allegation No. 4: Failure to properly document lost wages (RCW 42.17A445).**

21 10. The Campaign disclosed on the Post-General Election C-4 report that Mr. Boldt
22 received a \$3,400.00 payment on November 14, 2015, for lost wages that he incurred as a result
23 of his campaigning for Clark County Council Chair in 2015. Staff requested that Mr. Boldt
24 provide documentation for the lost wages issue, including the Employer, since no income had
25 been disclosed from a trucking firm by him on the Person Financial Affairs Statement (F-1
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1 report) he filed.

2 11. Mr. Boldt stated during his interview under oath that he worked as a truck driver
3 for three different trucking companies during 2015, and Gilbertson Transport employed him as
4 a truck driver from April or May through December 2015, and that his schedule as a driver was
5 day to day.

6 12. Mr. Boldt stated he was paid on a daily basis, which he estimated to be about
7 \$140.00 per day, and that he received a W-2 report from Gilbertson for 2015, for wages paid to
8 him totaling between \$17,000.00 and \$18,000.00.

9 13. Mr. Boldt stated he took a total of 45 days off from his job working for a trucking
10 firm to campaign for office in 2015. He stated that he kept a record of the total number of days
11 he had taken off, but that he was “. . . not sure of the exact dates.” He stated he received
12 repayment by the Campaign for slightly more than one-half of the days taken off, and that he
13 was not repaid for lost wages for the remaining days he took off working at Gilbertson Transport.
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16 **Allegation No. 5: Failure to disclose income on F-1 report (RCW 42.17A.710).**

17 14. The F-1 report filed by Mr. Boldt on April 13, 2015, covering the previous 12
18 months, disclosed no income in Section #1 of the report.

19 15. The F-1 report filed by Mr. Boldt on April 5, 2016, covering financial activities
20 for all of calendar year 2015, disclosed that he received income in Section #1 of the report as a
21 Clark County Council member, but failed to disclose Gilbertson Trucking as a source of income.
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23 **III. CONCLUSIONS OF LAW**

24 1. The Commission has jurisdiction to hear this matter pursuant to
25 RCW 42.17A.755.
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1 2. RCW 42.17A.220 requires candidates to timely deposit monetary contributions
2 received into the campaign bank account or depository within five business days.

3 3. RCW 42.17A.235 and RCW 42.17A.240 requires candidates to timely file,
4 accurate reports of contribution and expenditure, including C-4 reports that are required 21 and
5 7 days before each election, and in the month following the election, regardless of the level of
6 activity. Beginning five months before the election, weekly C-3 reports are required to be filed
7 every Monday disclosing contributions received and deposited during the previous week.
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9 Additionally, RCW 42.17A.235 and RCW 42.17A.240 require the treasurer or candidate
10 to "... preserve books of account, bills, receipts, and all financial records of the campaign or
11 political committee for not less than five calendar years following the year during which the
12 transaction occurred."

13 4. RCW 42.17A.445 prohibits the personal use of campaign contributions except
14 for (1) "... payments to cover lost earnings incurred as a result of campaigning. . . . Lost earnings
15 shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to
16 exceed income received by the individual for services rendered during an appropriate,
17 corresponding time period. All lost earnings incurred shall be documented and a record shall be
18 maintain by the candidate or the candidate's authorized committee in accordance with RCW
19 42.17A.235."
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21 5. RCW 17A.710 describes the content of an F-1 report, and that the filer must
22 disclose income sources, real estate holdings, assets and investments, and creditors if they meet
23 the reporting thresholds.
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1 6. Respondent Marc Boldt violated RCW 42.17A.235 and RCW 42.17.240 by
2 failing to:

- 3 a. Timely file Monetary Contribution reports (C-3 reports) and Summary
4 Campaign Contribution and Expenditure reports (C-4 reports) disclosing
5 contribution and expenditures undertaken by the campaign, and
6 b. Maintain campaign records for expenditures that were disclosed on C-4
7 reports.

8 7. Respondent Marc Boldt violated RCW 42.17A.220 by failing to timely deposit
9 monetary contributions within five business days of receipt into the campaign bank account.

10 8. Respondent Marc Boldt violated RCW 42.17A.445 by failing to properly
11 document or to maintain documentation verifying the payment made to Mr. Boldt for last wages
12 as a result of campaigning.

13 9. Respondent Marc Boldt violated RCW 42.17A.710 by failing to disclose income
14 received on the Personal Financial Affairs Statement (F-1 report) filed for all of calendar year
15 2015.

16 IV. ORDER

17 Based upon the findings and conclusions, the Commission orders that:

- 18 1. Respondent Marc Boldt is assessed a total civil penalty of \$2,500.00, of which
19 \$1,500.00 is suspended on the following conditions:
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21 a. Respondent Boldt pays the \$1,000.00 non-suspended portion of the
22 penalty within 30 days of receiving this Order.
23 b. In any future campaign in which Respondent Boldt is a candidate, neither
24 he nor one of his family members may serve as his campaign treasurer;
25 Respondent Boldt will use an experienced and trained treasurer in any
26 future campaigns.
c. Respondent Boldt commits no further violations of RCW 42.17A or WAC
390 for four years from the date of the Order.

1 d. In the event Respondent Boldt fails to meet any of the above terms of this
2 order, the entire penalty of \$2,500.00 which includes the suspended
3 portion of the penalty (\$1,500.00), will become immediately due without
4 any further intervention of the Commission. PDC staff will refer his debt
5 to the Department of Enterprise Services (DES) for collection.


6 2. Respondent Marc Boldt affirms his intention to comply in good faith with the
7 provisions of RCW 42.17A in the future.

8 The Executive Director is authorized to enter this order on behalf of the Commission.

9 So ORDERED this 1st day of February 2017.

10 WASHINGTON STATE PUBLIC
11 DISCLOSURE COMMISSION

12 FOR THE COMMISSION:

13 
14 Evelyn Fielding Lopez
15 Executive Director

16 *Copy of this Order mailed and emailed to:*
17 Marc Boldt (marc@marcboldt.com)
18 Chad Standifer, AAG, Attorney for PDC Staff (chads@atg.wa.gov)

19 I, Kurt Yeung, certify that I mailed a
20 copy of this order to the Respondent/ Applicant at his/her
21 respective address postage pre-paid on the date stated
22 herein. Kurt Yeung 2/1/2017
23 Signed _____ Date _____

24 NOTICE: RECONSIDERATION
25 PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY
26 FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE
(21) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY
REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR
THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE

1 WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY,
2 ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.

3 NOTICE: PETITION FOR JUDICIAL REVIEW

4 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,
5 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF
6 RCW 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER
7 MUST BE FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE
8 COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30)
9 DAYS AFTER THE DATE THIS FINAL ORDER IS SERVED UPON YOU.

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