

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

In the Matter of Enforcement Action
Against:

Marc Boldt

Respondent.

PDC Case 1195

STIPULATION AS TO FACTS,
VIOLATIONS AND PENALTY

I. INTRODUCTION

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Evelyn Fielding Lopez, and Respondent Marc Boldt, 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.

II. JURISDICTION

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

III. FACTS

1. On April 16, 2015, Marc Boldt filed a Candidate Registration (C-1 report) declaring his candidacy for Clark County Commissioner in 2015, selecting the Full Reporting option, and listing himself as Treasurer and his Party Preference as Republican.
2. Mr. Boldt served as Clark County Commissioner from 2005 to 2012. Prior to that, he served as State Representative, Position No. 1 in the 17th Legislative District from 1994 to 2004.
3. On May 19, 2015, Mr. Boldt filed an amended C-1 report disclosing that he was running for Clark County Council, and listing his Political Party Preference as "None."

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

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

5. The Marc Boldt Campaign (Campaign) failed to timely file four C-4 reports during the 2015 election cycle that included the May C-4 report, the 21-day Pre-Primary Election C-4 report, the Post-Primary Election C-4 report, and the 21-day Pre-General Election C-4 report.
 - May C-4 report: The C-4 report was filed on June 21, 2015, 11 days late disclosing \$4,250 in monetary contributions received, and \$1,886 in expenditures made that included \$636 for the candidate filing fee.
 - 21-day pre-Primary Election C-4 report: The C-4 report was filed on July 25, 2015, 11 days late disclosing \$4,575 in monetary contributions received, and \$4,537 in expenditures made that included \$2,598 for yard signs and materials, and \$796 for newspaper advertisements. The C-4 report was filed nine days prior to the August 4, 2015 primary election being held.
 - Post Primary Election C-4 report: The C-4 report was filed on September 15, 2015, five days late disclosing \$6,703 in monetary contributions received and \$5,095 in expenditures made that included \$2,548 for newspaper advertisements, \$1,000 for campaign management, and \$828 for campaign robo-calls.
 - 21-day pre-General Election C-4 report: The C-4 report was filed on November 3, 2015, 14 days late disclosing \$9,950 in monetary contributions received and \$14,483 in expenditures made that included \$5,916 for newspaper ads, \$4,305 for campaign signs and materials, and \$2,000 for campaign management. C-4 report was filed one week prior to the general election.
6. Staff found there were 23 monetary contributions received by the Campaign totaling \$5,850 that were listed on C-3 reports that were disclosed late. The 23 monetary contributions were disclosed one to 15 days late, and represented 8.8% of total monetary contributions received by the Campaign.

Allegation 2: Failure to timely deposit campaign contributions (RCW 42.17A.220).

7. The Campaign disclosed receiving 23 monetary contributions on various C-3 reports that were held for more than five business days prior to being deposited totaling \$5,850. The 23 monetary contributions were deposited one to 18 days late.

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

8. During the course of the investigation, staff requested that Mr. Boldt provide documentation for specific expenditures that had been made by the Campaign and disclosed on the Post-General Election C-4 report for political advertisements, for lost wages, for consulting work, and for repayment made to an individual for the rental of a truck. Staff requested the documentation in order to confirm that the expenditure had been timely and accurately disclosed.
9. Mr. Boldt acknowledged that he did not maintain the invoices or any other back-up documentation for any of the expenditures made by the 2015 Campaign. He stated that he did a better job of keeping track of the monetary contributions received by his Campaign, than he did for the expenditures made by the Campaign.

Allegation No. 4: Failure to properly documents lost wages (RCW 42.17A.445)

10. The Campaign disclosed on the Post-General Election C-4 report that Mr. Boldt received a \$3,400 payment on November 14, 2015, for lost wages that he incurred as a result of his campaigning for Clark County Council Chair in 2015. Staff requested that Mr. Boldt provide documentation for the lost wages issue, including identifying the Employer, since no income had been disclosed from a trucking firm by him on the Personal Financial Affairs Statement (F-1 report) he filed.
11. Mr. Boldt failed to provide any documentation from his employer to verify that he had requested or been authorized time off from work to campaign, and he failed to maintain any documentation for the lost wages issue or any Campaign expenditures.
12. Mr. Boldt stated during his interview under oath that he worked as a truck driver for three different trucking companies during 2015, and Gilbertson Transport employed him as a truck driver from April or May through December of 2015, and that his schedule as a driver was day to day.

13. Mr. Boldt stated he was paid on a daily basis, which he estimated to be about \$140 per day, and that he received a W-2 report from Gilbertson for 2015, for wages paid to him totaling between \$17,000 and \$18,000.
14. Mr. Boldt stated he took a total of 45 days off from his job working for a trucking firm to campaign for office in 2015. He stated that he kept a record of the total number of days he had taken off, but that he was "...not sure of exact dates." He stated he received repayment by the Campaign for slightly more than one-half of the days taken off, and that he was not repaid for lost wages for the remaining days he took off from working at Gilbertson Transport.

Allegation No. 5: Failure to disclose income on F-1 report (RCW 42.17A.710)

15. The F-1 report filed by Mr. Boldt on April 13, 2015, covering the previous 12 months, disclosed no income in Section #1 of report.
16. The F-1 report filed by Mr. Boldt on April 5, 2016, covering financial activities for all of calendar year 2015, disclosed that he received income in Section #1 of the report as a Clark County Councilmember, but failed to disclose Gilbertson Trucking as a source of income.

IV. STATUTORY AND RULE AUTHORITY

RCW 42.17A.220 requires candidates to timely deposit monetary contributions received into the campaign bank account or depository within five business days of receipt.

RCW 42.17A.235 and **RCW 42.17A.240** require candidates to file timely, accurate reports of contributions and expenditures, including C-4 reports that are required 21 and 7 days before each election, and in the month following the election, regardless of the level of activity. Beginning five months before the election, weekly C-3 reports are required to be filed every Monday disclosing contributions received and deposited during the previous week.

The treasurer or candidate "...shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred."

RCW 42.17A.445 prohibits the personal use of campaign contributions except for (1) "...payments to cover lost earnings incurred as a result of campaigning.... Lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period.

All lost earnings incurred shall be documented and a record shall be maintained by the candidate or the candidate's authorized committee in accordance with RCW 42.17A.235."

RCW 42.17A.710 describes the content of an F-1 report, and that the filer must disclose income sources, real estate holdings, assets and investments, and creditors if they meet the reporting thresholds.

V. VIOLATIONS


Based on the Stipulation of Facts set forth above, Respondent Marc Boldt agrees that he violated

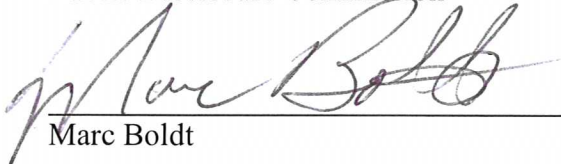
- RCW 42.17A.235 and 42.17A.240 by failing to: (1) timely file Monetary Contributions reports (C-3 reports), and Summary Campaign Contribution and Expenditure reports (C-4 reports) disclosing contribution and expenditure activities undertaken by the campaign, and (2) maintain campaign records for expenditures that were disclosed on C-4 reports.
- RCW 42.17A.220 by failing to timely deposit monetary contributions within five business days of receipt into the campaign bank account.
- RCW 42.17A.445 by failing to properly document or to maintain documentation verifying the payment made to Mr. Boldt for lost wages as a result of campaigning.
- RCW 42.17A.710 by failing to disclose income received on the Personal Financial Affairs Statement (F-1 report) filed for all of calendar year 2015.

VI. PENALTY

1. Based upon the Stipulation of Facts and Violations set forth above, Respondent Marc Boldt agrees to pay a total civil penalty of \$2,500 of which \$1,500 is suspended on the following conditions:

- A. Mr. Boldt pays the \$1,000 non-suspended portion of the penalty within 60 days of receiving this Order.
 - B. Mr. Boldt commits no further violations of RCW 42.17A or WAC 390 for four years from the date of the Order.
 - C. In the event Mr. Boldt fails to meet any of the terms of the suspended penalty, the suspended portion of the penalty (\$1,500) shall become due without any further intervention of the Commission.
2. Respondent Marc Boldt affirms his intention to comply in good faith with the provisions of RCW 42.17A in the future.


Evelyn Fielding Lopez, Executive Director
Public Disclosure Commission


Marc Boldt

January 10, 2017
Date Signed

1-1-17
Date Signed