



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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MEMORANDUM

TO: Commissioners

FROM: Philip E. Stutzman, Director of Compliance *Philip Stutzman*

DATE: April 9, 2008

SUBJECT: Comparables – Robert Apple, Case No. 08-091

Enclosed is a proposed “Comparables Spreadsheet” showing past enforcement action for comparable cases in the event you make a finding of a violation and decide to impose a monetary penalty. I do not expect Mr. Apple to attend the hearing in person, but do expect him to participate by telephone.

Past Violations and Penalties -
Prior Enforcement for Reporting Issues

Name	Year of Hearing	Law	Size of Campaign	Activities/Violations	Relevant Facts	Prior Violations	Penalty
Robert Apple Re: 2007 Campaign	2008	040,080, 090,3691	\$6,285 in identified contributions; \$7,700 in expenditures	Failure to timely file, and failure to file, reports of contributions and expenditures during 2007 campaign; Failure to file electronically; Failure to amend Candidate Registration after changing treasurers.	2007 Campaign for Spokane City Council - (1) Filed 4 C-3 reports totaling \$2,120 from 17 - 80 days late; \$1,070 of these contributions reported 44 days after primary election; (2) Failed to report at least \$1,415 in contributions; (3) Failed to file C-4 reports for entire campaign; \$7,700 in expenditures identified; Unreported expenditures included \$2,189 due 21 days before primary and \$5,394 due 21 days before general election; (4) Required to file electronically because spent \$17,250 in 2003 election; Informed in writing, but did not file electronically; (5) Failed to amend C-1 after changing treasurers; Treasurer filed 80% of reports filed.	None	Proposed Penalty - Within Commission's range for multiple violations
Jane Hague Re: 2007 Campaign, Surplus Funds Account, and 2005 Campaign	2007	040,060, 080,090, 390-16-034,640, 095,780	2007 Campaign - \$231,676 raised and \$128,021 spent. Surplus Funds Account - \$67,988 received and \$56,819 spent. 2005 - \$26,006 raised and \$20,596 spent.	2007 Campaign - Late candidate registration; late C-3 & C-4 reports; late deposit of contributions; failure to disclose employer & occupation information; and over-limit contributions. Surplus Funds Account - Late C-4 reports; failure to identify vendors; reimbursement for prohibited expenditures; and reimbursement for contributions. 2005 Campaign - One late C-3	2007 Campaign - C-1 filed 16 days late; 3 C-3 reports totaling \$70,220 filed 20-49 days late; 6 C-4 reports totaling \$17,412 filed 20-407 days late; \$52,450 in contributions deposited 7-12 days late; Employer & Occupation data missing for 37% of required contributors, totaling \$35,845. Corrected to 91% compliance; and Over-limit contributions totaled \$2,485. Six refunds made before complaint and two made after complaint. Surplus Funds Account - Late C-4 reports showing \$67,988 in receipts (447 days late) and \$56,819 in expenditures (172-447 days late); Failed to show vendors for reimbursements totaling \$2,933 (corrected after complaint); Ms. Hague reimbursed for prohibited expenses totaling \$354.39 (account reimbursed after complaint); and Ms. Hague reimbursed for campaign contributions totaling \$1,035 (account reimbursed after complaint). Incumbent King County Council member since 1994. 2005 Campaign - One late-filed C-3 for \$7,547.43.	None	Proposed Penalty: \$9,500 with \$1,500 suspended if Respondent commits no violations for four years and payment of \$8,000 within 90 days.

Past Violations and Penalties -
 Prior Enforcement for Reporting Issues

Name	Year of Hearing	Law	Size of Campaign	Activities/Violations	Relevant Facts	Prior Violations	Penalty
Linda Thompson-Black	2007	080,090, 105	\$68,981 raised and \$67,037 spent	Late reporting and non-reporting, and Missing LMC (Last Minute Contribution) reports for 2005 School Director campaign.	C-3 Reports - Filed 11 of 18 C-3 reports late (\$27,959). Failed to report \$24,212 (35%) of contributions. C-4 Reports - Failed to report \$23,927 (36%) of expenditures. Filed 3 of 7 C-4 reports late (\$7,514 in expenditures). Last Minute Contribution Reports - Failed to file LMC reports totaling \$7,290. Other: First time candidate.	None	\$5,000 with \$3,000 Suspended if no violations for 4 years; payment of \$2,000 within 10 months.

Past Violations and Penalties -
Prior Enforcement for Reporting Issues

Name	Year of Hearing	Law	Size of Campaign	Activities/Violations	Relevant Facts	Prior Violations	Penalty
King County Republican Central Committee	2007	(2006) 080,090, WAC 390-16-034; (2005) .090 & .103.	Non-Exempt - Raised \$151,845 & spent \$165,819; Exempt - Raised \$190,640 and spent \$191,912.	(2006) Failure to timely file C-4 reports of contributions and expenditures and C-3 reports of contributions received; Failure to file employer & occupation information; Failure to file complete and accurate descriptions of expenditures and failure to report a contribution to a candidate. Failure to file 24-hour C-6 report for political advertising presented to public within 21 days of election. (2005) Failure to file complete and accurate descriptions of expenditures on C-4 reports and failure to report a contribution to a candidate.	Non-Exempt Account - During 2006 , 10 C-4 Reports (5-268 days late and 2 days before general election). Contributions \$84,068; Misc.receipts of \$11,482; Expenditures \$92,526 and "pass through expenditures" \$11,482. Twenty late C-3 reports (15-268 days late); Contributions \$34,189 and Misc. receipts \$11,482; Missing Employer/Occupation information for 58 contributors giving \$55,715. Contribution for \$1,350 reported after election; Expend. of \$52,874 did not properly identify benefiting candidates or give proper description of expenditure; Failed to file 24-hour C-6 for expend. of \$2,275. During 2005 , reports of expenditures totaling \$57,086 did not properly identify benefiting candidates or give proper description of expenditure. Exempt Account - During 2006 , filed 11 C-4 reports 6-306 days late; Contributions \$73,544 and expenditures \$77,017. Filed 15 C-3 reports 15-275 days late; Contributions \$76,694. Missing Employer/Occupation information for 56 contributors giving \$37,029. Contribution for \$100 reported after election.	Audit of 1996 election activity. Reporting violations found. Penalty \$5,000 with \$2,500 suspended.	\$40,000 with \$17,500 suspended through 2010
King County Republican Central Committee - Continued	2007				Factors - Difficulty transferring to ORCA software; Turnover in office staff; Treasurer traveled extensively and failed to file information timely.		

Past Violations and Penalties -
Prior Enforcement for Reporting Issues

Name	Year of Hearing	Law	Size of Campaign	Activities/Violations	Relevant Facts	Prior Violations	Penalty
Mac Setter	2006	080,090	\$57,468	Late reporting during 2004 campaign for Whatcom County Superior Court Judge	Late C-4s - 9 filed 7-458 days late; \$56,985 in Contributions and \$54,593 in expenditures; Expenditures filed after election - \$45,872 (80% of total expenditures); Late C-3s - 11 filed 22-473 days late; \$56,960 in Contributions; Contributions filed after election - \$38,250 (67% of total contributions); Other: First time candidate. 87% of contributions from candidate.F2	None	\$2,500 w/\$500 suspended for four years.
Whatcom County Democratic Central Committee	2006	080,090	Raised \$92,348 & Spent \$91,868	Two years of late reporting (2004-2005). C-3 & C-4 reports filed late.	2005-C-3 reports totaling \$25,629 filed 18-157 days late. C-4 reports with \$29,511 in expenditures filed 24-245 days late. \$7,789 in GOTV efforts. No direct candidate support. \$606 for local ballot measure. 2004-C-3 reports totaling \$21,194 filed 23-58 days late. C-4 reports with \$41,352 in expenditures filed 2-65 days late. \$13,128 featured state and local candidates and ballot measures as part of its GOTV and party building efforts. \$2,965 supported federal candidates and \$25,259 was for other committee expenses. Factors: In 2005, treasurer unable to handle work and did not ask for help. Committee did not provide sufficient oversight. In 2004, committee switched to WEDS and electronic filing in January. The learning curve resulted in 3 months of late reports. Then experienced filing problems. Worked with PDC staff to solve problems. Unaware of accelerated reporting schedule prior to election. Filed timely close to election. In transition to new treasurer after election.	None	\$3,500 with \$1,000 suspended if no violations for 4 years. Will pay \$1,250 within 30 days and \$1,250 within 60 days.

Past Violations and Penalties -
Prior Enforcement for Reporting Issues

Name	Year of Hearing	Law	Size of Campaign	Activities/Violations	Relevant Facts	Prior Violations	Penalty
Pat Davis 2001 Violations, Commissioner, Port of Seattle	2005	080,090	(C) & (E) \$102,408	(2001 Activity) Late C-3 reports (11) \$77,698; 4-99 days late; Late C-4 reports (7) \$75,878/\$90,983;6-99 days late	Late Contributions - \$97,114; Late Expenditures - \$90,983. Incumbent Port Commissioner since 1991.	Late reporting in 2005 Campaign. Penalty \$2,500 with \$500 suspended if no violations through 2009.	\$7,500 due within 120 days of order. Repay campaign \$6,054 at rate of \$500 per month for 12 months starting 1/1/06 until paid in full.
Pat Davis 2005 Violations, Commissioner, Port of Seattle	2005	080,090	\$191,237 in contributions; \$161,264 in expenditures.	Late reporting during 2005 primary election campaign for Port of Seattle Commissioner.	Late C-4s - 4 filed 5-30 days late; \$65,330 in contributions and \$63,785 in expenditures; Expenditures filed after election - \$44,248 (27% of total expenditures); Late C-3s - 2 filed 32-60 days late; \$28,700 in contributions; Contributions filed after election - \$3,250. Other: Incumbent Port Commissioner since 1991.	None	\$2,500 with \$500 suspended if no violations through 2009.
Washington State Nurses Association PAC	2004	080,090, 103	\$58,006	(1999-2003 Activity) Failed to timely file C-3 & C-4 reports for 5 years. Monetary contributions totaled \$58,006 and monetary expenditures totaled \$41,781. Independent expenditures totaled \$9,575. Failed to file special C-6 report for \$2,590.	Staff transitions at the association led to a breakdown in reporting.	None	\$5,000 with \$2,500 suspended for four years.

Past Violations and Penalties -
Prior Enforcement for Reporting Issues

Name	Year of Hearing	Law	Size of Campaign	Activities/Violations	Relevant Facts	Prior Violations	Penalty
Grays Harbor County Democratic Central Committee	2004	080,090	\$60,881	(1999-2003 Activity) Failed to timely file C-3 & C-4 reports for 5 years. Contributions totaled \$60,881 and expenditures totaled \$52,327. Expenditures that were contributions to candidates totaled \$11,800.	Treasurer stopped reporting and did not inform party officials. No explanation given. Treasurer resigned.	None	\$5,000 with \$2,500 suspended for four years.
Ed Orcutt, Candidate for State Representative	2003	080,090, 060,105	\$139,889	Late reporting during 2002 campaign for State Representative.	Late C-4s - 1-7 months late; \$52,810 in expenditures and \$5,280 in liabilities; Expenditures filed after election - \$32,040 (26% of total expenditures); Late C-3s - \$2,335; Failed to timely deposit contributions - \$1,260; In Kind contributions reported after election - \$10,264; Failed to file Last Minute Contribution reports - \$21,640; Failed to list vendors from credit card charges ; Other - First time candidate.	None	\$3,500 with \$1,000 suspended.
Whatcom County Republican Party	2003	080,090	Raised \$81,410 & Spent \$75,935.	Three years of late reporting (1999-2001). Late reports ranged from 125 days to 3 years 5 months late. Failed to include details of some expenditures.	1999 -Raised \$21,422 and spent \$18,761. No direct contributions. \$5,473 for GOTV. \$6,786 in reimbursements not documented. 2000 -Raised \$30,986 and spent \$29,368. \$3,855 in contributions to candidates. Reimbursement of \$14,035 not documented. 2001 -Raised \$29,002 and spent \$27,368. \$2,300 in contributions to candidates. Independent expenditures of \$1,959 supporting a candidate. Reimbursements and credit card payments of \$14,433 not documented. Factors: Had 3 treasurers and 2 Chairs. No committee headquarters. Two of the treasurers suffered illnesses while serving. Total for benefit of candidates was \$8,114.	None	\$5,000 with \$2,500 suspended for 2 years.

Past Violations and Penalties -
 Prior Enforcement for Reporting Issues

Name	Year of Hearing	Law	Size of Campaign	Activities/Violations	Relevant Facts	Prior Violations	Penalty
Citizens for Brian Derdowski	2000	080,090	\$90,450	Late reporting during 1999 campaign for King County Council.	Late C-4s - 4 filed 21-233 days late; \$23,587 in expenditures; Orders-placed filed after election - \$9,328; Late C-3s - 8 filed 21-233 days late; \$22,527 in contributions; Contributions filed after election - \$8,070; Failed to make complete books and records available for public inspection ; Other - Experienced candidate.	None	\$3,000 with \$500 suspended if no violations for four years.



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 08-091
ACTION AGAINST)	
)	Notice of Administrative
Robert Apple)	Charges
)	
Respondent.)	
)	

IT IS ALLEGED as follows:

I. JURISDICTION

1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all of its exhibits by reference.

II. ALLEGATIONS

2. Robert Apple, a candidate seeking re-election to the Spokane City Council in the 2007 primary and general elections, violated RCW 42.17 for his 2007 campaign:
 - a. By failing to timely file four C-3 reports totaling \$2,120 in contributions received between July 7 and September 7, 2007. The reports were filed between 17 and 80 days late. (RCW 42.17.080 and .090)
 - b. By failing to report contributions received totaling at least \$1,415. (RCW 42.17.080)
 - c. By failing to file any C-4 reports summarizing contributions and expenditures and providing detailed information about expenditures, totaling at least \$7,700. (RCW 42.17.080 and .090)
 - d. By failing to file C-3 and C-4 reports electronically. (RCW 42.17.3691)
 - e. By failing to amend his C-1 Candidate Registration Statement within 10 days after changing treasurers (RCW 42.17.040).



III. FACTS SUPPORTING ALLEGATIONS

3. Robert Apple is a member of the Spokane City Council, representing the city's council district 1. Mr. Apple was first elected to the city council in the November 6, 2001 general election, and was re-elected in 2003. Mr. Apple was a candidate for re-election again in 2007, filing a Candidate Registration on May 12, 2007, selecting the Full Reporting option. His 2003 campaign incurred expenditures totaling \$17,250, which made electronic filing mandatory for his 2007 campaign. Mr. Apple was informed in writing of this requirement, but did not file C-3 and C-4 reports electronically .
4. Mr. Apple initially designated himself as his campaign treasurer. He later obtained the services of a volunteer treasurer, but did not disclose the change in treasurers on an updated Candidate Registration form. Mr. Apple filed C-3 reports showing contributions, but failed to report all contributions, and failed to file any C-4 reports summarizing contributions and providing a detailed listing of campaign expenditures.
5. Mr. Apple faced six challengers in the August 21, 2007 primary election, and advanced to the November 6, 2007 general election in which he prevailed. Mr. Apple was notified in writing on July 11, 2007 that he was required to file his reports electronically, and he was contacted two additional times before the general election, on October 4 and October 16, 2007, and told that no expenditure reports for his campaign had been received. He was also contacted at least four times after the election about his missing reports.

Failure to Timely File Reports of Contributions Received (\$2,120) and Failure to File Reports of Contributions Received (at least \$1,415)

6. Mr. Apple's campaign filed five C-3 reports during the entire campaign, disclosing monetary contributions totaling \$6,285. On July 10, 2007, Mr. Apple timely filed his campaign's first C-3 report disclosing \$4,165 in contributions received between June 28 and July 2, 2007. Although Mr. Apple continued to receive monetary contributions in July, August, and September, he did not file another C-3 report until October 4, 2007 when his treasurer filed four additional C-3 reports totaling \$2,120. These C-3 reports were filed from 17 to 80 days late and listed contributions received between July 7 and September 7,

2007. \$1,070 of these contributions were required to be disclosed prior to the August 21, 2007 primary election, but were not disclosed until 44 days after the primary election. The late-reported contributions, totaling \$2,120, were as follows:

Date Received	Amount	Date C-3 Due	Date C-3 Filed	Days Late	Due Before August 21, 2007 Primary
7/7/2007	\$100	7/16/2007	10/4/2007	80	\$100
7/16/2007	\$775	7/30/2007	10/4/2007	66	\$775
7/17/2007	\$50	7/30/2007	10/4/2007	66	\$50
7/18/2007	\$20	7/30/2007	10/4/2007	66	\$20
8/3/2007	\$50	8/13/2007	10/4/2007	52	\$50
8/7/2007	\$25	8/20/2007	10/4/2007	45	\$25
8/8/2007	\$50	8/20/2007	10/4/2007	45	\$50
8/22/2007	\$100	9/3/2007	10/4/2007	31	
8/25/2007	\$150	9/3/2007	10/4/2007	31	
9/4/2007	\$300	9/17/2007	10/4/2007	17	
9/7/2007	\$500	9/17/2007	10/4/2007	17	
Total:	\$2,120				\$1,070

7. Monetary expenditures totaling \$7,700 were identified. Since the campaign reported monetary contributions totaling \$6,285, at least \$1,415 in contributions have not been disclosed in any manner.

Failure to File C-4 Summary Reports of Contributions and Expenditures

8. Mr. Apple was required to file C-4 Summary Reports disclosing receipts, expenditures, debts, obligations, and if applicable, pledges, for his 2007 campaign. Mr. Apple failed to file at least six required C-4 reports, including reports due 21 and 7 days before the August 21, 2007 primary election, on September 10, 2007 following the primary election, 21 and 7 days before the November 6, 2007 general election, and on December 10, 2007 following the general election. Mr. Apple did not file any of the required C-4 reports during his entire 2007 campaign in which he was re-elected to the Spokane City Council.

9. Mr. Apple incurred campaign expenditures for yard signs and television, postcard and newspaper advertisements that went unreported. Based on statements made by Mr. Apple, vendors were identified, and the dates and amounts of expenditures were verified. It is not known if all expenditures were found. Monetary expenditures totaling \$7,700 were identified as follows:

Vendor	Purpose	Confirmed Amount	Date Order Placed	Date Paid	Date Required on C-4	C-4 Report
Spokane Elections	Filing Fee	\$180	N/A	6/8/2007	7/31/2007	21-Day Pre-Primary
“Sign Company” (Preferred Advertising)	Yard Signs	\$2,009	6/23/2007	6/26/2007	7/31/2007	21-Day Pre-Primary
Comcast Spotlight	TV Ads	\$1,994	9/28/2007	10/5/2007	10/16/2007	21-Day Pre-General
Comcast Spotlight	TV Production	\$591	9/28/2007	10/12/2007	10/16/2007	21-Day Pre-General
Diamond Press	Postcard Ads	\$2,809	10/4/2007	10/17, 10/25/2007	10/16/2007	21-Day Pre-General
Inland Register	Newspaper Ad	\$117	10/18/2007	10/18/2007	10/30/2007	7-Day Pre-General
Total Confirmed Expenses: \$7,700						

10. Expenditures totaling \$2,189 were required to be reported on the 21-day pre-primary election C-4 report due on July 31, 2007. The expenditures were not disclosed. Mr. Apple was required to disclose \$5,394 in orders placed and expenditures for political advertising on the 21-day pre-general election C-4 report due on October 16, 2007. The activity was not disclosed. Mr. Apple was required to disclose a \$117 expenditure for newspaper advertising on the 7-day pre-general election C-4 report due on October 30, 2007. The expenditure was not disclosed.

Failure to File C-3 and C-4 Reports Electronically

11. Mr. Apple spent \$17,250 in his successful 2003 campaign for re-election to the Spokane City Council. As a result, he was required to file his 2007 reports electronically. On July 11, 2007, PDC staff notified him in writing that because he spent more than \$10,000 in his last campaign, he was required to file reports for his 2007 campaign by the electronic means. Mr. Apple filed five paper C-3 reports for his 2007 campaign. Staff found no evidence that Mr. Apple or his campaign submitted signature authorization documents or passwords required to register for electronic filing.

Failure to Amend C-1 Candidate Registration Statement

12. On October 4, 2007, PDC staff contacted Mr. Apple by telephone to inquire about C-4 reports that had not been received. Mr. Apple instructed staff to speak with Marianne Wilder, who he identified as his treasurer. Until that time, Mr. Apple had not reported that Ms. Wilder was his treasurer of record. Also on October 4, 2007, Ms. Wilder signed four C-3 reports as treasurer. At no point did Mr. Apple file an amended C-1 Candidate Registration designating a person other than himself as treasurer. An amended C-1 Candidate Registration was due no later than October 15, 2007.

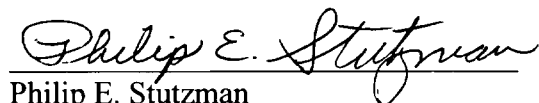
IV. RELEVANT LAW

13. **RCW 42.17.080 and 090** require candidates to file timely, accurate reports of contributions and expenditures, including in-kind contributions. During the five months before the general election, summary reports of receipts and expenditures are required to be filed 21 days, and again 7 days, before each election in which the candidate will appear on the ballot. A post-election summary report is due on the 10th of the month following each election. Contribution deposits made during this same time period must be disclosed on the Monday following the date of deposit.
14. **RCW 42.17.3691** requires candidates who expect to spend at least \$10,000 in the current year to file reports of all contributions and expenditures for their campaign electronically.

15. **WAC 390-19-030(2)(b)** states that a filer “expects to spend” \$10,000 in the current calendar year when that filer is a candidate for the same office last sought, the filer's election is in the current calendar year, and his or her campaign expenditures in the previous election for the same office were \$10,000 or more.

16. **RCW 42.17.040** requires candidates to file an amended registration statement with the PDC and the appropriate county elections officer within ten days of any material change to the information on the candidate’s initial registration.

RESPECTFULLY SUBMITTED this 2nd day of April, 2008.


Philip E. Stutzman
Director of Compliance



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PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: 08-091
WITH RCW 42.17)	
)	
ROBERT APPLE)	REPORT OF INVESTIGATION
)	
Respondent.)	
_____)	

I.

BACKGROUND

- 1.1 Robert Apple is a member of the Spokane City Council, representing the city's council district 1. Mr. Apple was first elected to his position in the November 6, 2001 general election, and was reelected in the 2003 election.
- 1.2 On May 12, 2007, Mr. Apple filed a C-1 Candidate Registration for his campaign for reelection in the 2007 primary and general elections. **(Exhibit 1)** Mr. Apple registered under the Full Reporting option, which requires frequent, detailed reports of contributions and expenditures. He designated himself as treasurer of his campaign by entering "same at this time" on the line provided for his treasurer's mailing address, and by providing his own telephone number on the line provided for the treasurer's daytime contact number.
- 1.3 Mr. Apple faced six challengers in the August 21, 2007 primary election, and received a plurality of votes cast in that election. In the November 6, 2007 general election, he faced Donna McKereghan, a first-time candidate. Mr. Apple was successful in the general election, receiving 1,950 more votes than Ms. McKereghan, a difference of 17% of votes cast in the race.

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

RCW42.17.010 (10)



II.

ALLEGATIONS IN COMPLAINT

- 2.1 **Complaint by Timothy Cejka:** On October 29, 2007, a complaint against Robert Apple (**Exhibit 3**) was received from Timothy Cejka of Spokane, Washington. In his complaint, Mr. Cejka alleged that Robert Apple failed to timely deposit and report contributions to his campaign, and failed to disclose any campaign expenditures, alleged violations of RCW 42.17.060, .080 and .090.
- 2.2 **Challenge by Robert Apple to Validity of Complaint:** In a letter received on December 10, 2007 (**Exhibit 4**), Robert Apple challenged the validity of the complaint against him based on doubts he harbored concerning the identity and residency of the complainant. He stated his belief that for a complaint to be valid, the complainant must not only be properly identified, but must also be "a qualified electorate of the district in question." (Although complaints against a candidate or elected official must be in writing, and must be certified under oath as to their truth and correctness, there is no requirement in law or rule that the complainant reside or be registered to vote in the candidate or official's jurisdiction.)
- 2.3 PDC staff found that Timothy Cejka properly identified himself in his complaint.

III.

SUMMARY OF FINDINGS

- 3.1 Robert Apple filed reports between 17 and 80 days late showing receipt of \$2,120 in monetary contributions. \$1,070 of these contributions were required to be disclosed before the 2007 primary election, and were not disclosed until 44 days after that election. At least \$1,415 in contributions to Mr. Apple's campaign have still not been disclosed in any manner. (\$7,700 in known expenditures less \$6,285 in reported contributions.)
- 3.2 Although he spent more than \$10,000 in his 2003 campaign for Spokane City Council, and thus was required to file reports for his 2007 campaign electronically, Robert Apple submitted only manually-filed reports for his 2007 campaign.
- 3.3 Mr. Apple did not file any reports of expenditures, pledges, orders placed, debts or obligations for his campaign. Through independent confirmation

obtained from Mr. Apple's campaign vendors, staff found that his 2007 campaign expenditures totaled at least \$7,700. Of this amount, \$2,189 was required to be disclosed on the C-4 report due 21 days before the August 21, 2007 primary election, and was not disclosed. An additional \$5,394 was required to be disclosed on the C-4 report due 21 days before the November 6, 2007 general election, and was not disclosed. The remaining expenditure that was identified by staff, a \$117 payment for newspaper advertising, was required to be disclosed on 7 days before the November 6, 2007 general election, and was not disclosed.

- 3.4 Mr. Apple made contradictory statements regarding the status of his contribution and expenditure reports, at times stating that all required reports had been filed through the mail, at other times stating that they had been submitted via email, and at other times stating that the reports could not be filed due to limitations in the PDC's electronic filing system. Staff found no evidence that Mr. Apple took any steps to register with the PDC for electronic filing of campaign reports, or attempted to submit any reports by email.
- 3.5 PDC staff notified Robert Apple six times that no expenditure reports for his campaign had been received. On four of these occasions, Mr. Apple was notified in writing. After Mr. Apple stated that all reports had been filed as required, staff asked him to provide copies of his reports in order to complete the record for this Report of Investigation. Mr. Apple did not provide any expenditure reports.

DETAILED FINDINGS

- 3.6 **Contributions to Robert Apple Campaign:** On July 10, 2007, Robert Apple filed a C-3 Monetary Contributions report disclosing \$4,165 in contributions received by his campaign between June 28 and July 2, 2007. **(Exhibit 2)** The report disclosed that the contributions were deposited within two business days of receipt on July 2, 2007. It was due to be filed by July 9, 2007, and was filed in a substantially timely manner on July 10, 2007.
- 3.7 On October 4, 2007, Marianne Wilder filed four C-3 reports **(Exhibit 3, pp 4 - 8)** on behalf of Robert Apple, disclosing a total of \$2,120 in contributions received between July 7 and September 7, 2007. (Although Ms. Wilder was acting as Mr. Apple's treasurer, she was not registered as such with the PDC.) Only one of the four C-3 reports included a date of deposit, which indicated that the contributions on that report were held a maximum of one day beyond the five business days allowed by law before being deposited. The remaining three C-3 reports, which listed a total of \$1,300 in contributions to Mr. Apple's campaign, did not include a date of deposit.

3.8 Assuming that the \$2,120 in contributions reported by Robert Apple on October 4, 2007 were deposited within five business days as required by law, or approximately within that time frame, the contributions were disclosed between 17 and 80 days late on form C-3. \$1,070 of these contributions were required to be disclosed prior to the August 21, 2007 primary election, and were not disclosed until 44 days after that election. The late-reported contributions were as follows:

Date Received	Amount	Date C-3 Due	Date C-3 Filed	Days Late
7/7/2007	\$100	7/16/2007	10/4/2007	80
7/16/2007	\$775	7/30/2007	10/4/2007	66
7/17/2007	\$50	7/30/2007	10/4/2007	66
7/18/2007	\$20	7/30/2007	10/4/2007	66
8/3/2007	\$50	8/13/2007	10/4/2007	52
8/7/2007	\$25	8/20/2007	10/4/2007	45
8/8/2007	\$50	8/20/2007	10/4/2007	45
8/22/2007	\$100	9/3/2007	10/4/2007	31
8/25/2007	\$150	9/3/2007	10/4/2007	31
9/4/2007	\$300	9/17/2007	10/4/2007	17
9/7/2007	\$500	9/17/2007	10/4/2007	17
Total:	\$2,120			

3.9 Robert Apple's reported contributions to his 2007 campaign totaled \$6,285. As discussed below in 3.13, staff found that Mr. Apple's 2007 campaign expenditures totaled at least \$7,700, indicating that at least \$1,415 in contributions to his campaign had not been disclosed in any manner.

3.10 **Expenditures by Robert Apple Campaign:** Robert Apple was required to file C-4 Summary Reports disclosing receipts, expenditures, pledges, debts and obligations for his 2007 campaign 21 and 7 days before the August 21, 2007 primary and again 21 and 7 days before the November 6, 2007 general election. He was required to file post-election C-4 reports on the 10th of the month following each election. Mr. Apple filed no C-4 reports for his campaign.

3.11 In his letter received on December 10, 2007 (**Exhibit 4**), Mr. Apple offered a general overview of his campaign expenditures, which he stated consisted of yard signs and television, postcard and newspaper advertisements. Mr. Apple did not identify the dates that orders were placed or that expenditures were made, or state whether he received any in-kind contributions.

3.12 PDC staff contacted the vendors used for the expenses listed in Mr. Apple's letter and received verification of the date and amount of these expenditures.

Because Mr. Apple filed no expenditure reports, staff is not able to state with certainty that all expenditure activity for his 2007 campaign has been confirmed. However, no evidence of additional activity was presented or found.

3.13 Mr. Apple's stated expenditure activity, and the activity verified by PDC staff (**Exhibits 4, 5**), were as follows:

Vendor	Purpose	Amount Per Apple	Confirmed Amount	Date Order Placed	Date Paid	Date Required on C-4
Spokane Elections	Filing Fee	\$180	\$180	N/A	6/8/2007	7/31/2007
"Sign Company" (Preferred Advertising)	Yard Signs	\$2,000	\$2,009	6/23/2007	6/26/2007	7/31/2007
Comcast Spotlight	TV Ads	\$2,500	\$1,994	9/28/2007	10/5/2007	10/16/2007
Comcast Spotlight	TV Production		\$591	9/28/2007	10/12/2007	10/16/2007
Diamond Press	Postcard Ads	\$2,500	\$2,809	10/4/2007	10/17, 10/25/2007	10/16/2007
Inland Register	Newspaper Ad	\$125	\$117	10/18/2007	10/18/2007	10/30/2007
Total Expenses, Per Robert Apple:			Total Confirmed Expenses:			
\$7,305			\$7,700			

3.14 PDC staff found that Mr. Apple was required to disclose a \$180 expenditure for his candidate filing fee and a \$2,009 expenditure for yard signs on the 21-day pre-primary election C-4 report due on July 31, 2007. The expenditures were not disclosed. Mr. Apple was required to disclose \$5,394 in orders placed and expenditures for political advertising on the 21-day pre-general election C-4 report due on October 16, 2007. The activity was not disclosed. Mr. Apple was required to disclose a \$117 expenditure for newspaper advertising on the 7-day pre-general election C-4 report due on October 30, 2007. The expenditure was not disclosed.

3.15 **Electronic Filing Requirement by Robert Apple:** Robert Apple spent \$17,250 in his successful 2003 campaign for re-election to Spokane City Council. (**Exhibit 6**) On July 11, 2007, Mr. Apple was notified in writing that because he spent more than \$10,000 in his last campaign, he was required to file reports for his 2007 campaign electronically. (**Exhibit 7**) Mr. Apple filed five C-3 reports for his 2007 campaign, all manually and through the mail. Staff found no evidence that Mr. Apple or his campaign submitted signature authorization documents or passwords required to register for electronic campaign filing.

- 3.16 In communications with PDC staff, Mr. Apple sometimes indicated that he had submitted or attempted to submit his filings by email. It is not possible to submit a valid filing to the PDC by email, and no evidence was found that Mr. Apple's campaign ever attempted to do so.
- 3.17 **Statements by Robert Apple Campaign, and Response to Complaint:**
On October 4, 2007, prior to receipt of the complaint filed by Timothy Cejka, PDC staff contacted Robert Apple by telephone to inquire about C-4 reports that had not been received. **(Exhibit 8, p 1)** Staff discussed the 21- and 7-day pre-primary and post-primary C-4 reports with Mr. Apple, all of which were then past due. Mr. Apple instructed staff to speak with Marianne Wilder, who he identified as his treasurer. (Ms. Wilder was not then registered as Mr. Apple's treasurer of record. At no point did Mr. Apple file an amended C-1 Candidate Registration designating any treasurer other than himself.)
- 3.18 On October 4, 2007, PDC staff contacted Marianne Wilder by telephone, who stated that she would file Mr. Apple's missing reports. **(Exhibit 8, p 2)** She stated that she had not understood that her role in Mr. Apple's campaign would involve so much work, and that she would likely ask Mr. Apple to find a replacement for her. (On that same day, October 4, 2007, Ms. Wilder filed the four C-3 reports discussed in 3.7, above.)
- 3.19 On October 16, 2007, PDC staff received a telephone call from a reporter with the Spokane *Spokesman-Review* newspaper who stated that he had inquired with Mr. Apple about his missing expenditure reports. The reporter stated that Mr. Apple told him that the reports had been filed as required, but were lost by the PDC.
- 3.20 On October 16, 2007, PDC staff contacted the staff of the Spokane County Elections Office to determine whether Mr. Apple might have filed paper copies of his expenditure reports with that office. (As discussed above in 3.15, Mr. Apple had the requirement to file all contribution and expenditure reports for his 2007 campaign electronically with the PDC. Reports that are filed via the electronic alternative approved by the Public Disclosure Commission are not also required to be filed with the county elections office.) The staff of the Spokane County Elections Office stated that their office had received no contribution or expenditure reports from Mr. Apple's 2007 campaign. **(Exhibit 8, p 3)**
- 3.21 After inquiring with the Spokane County Elections Office, PDC staff contacted Marianne Wilder to inquire about the C-4 expenditure reports that Mr. Apple stated were filed and subsequently lost by the PDC. Staff's telephone notes reflect that in response, Ms. Wilder asked "*What is a C-4 report?*" **(Exhibit 8, p 4)**

- 3.22 On October 16, 2007, PDC staff sent an email to Ms. Wilder and to Mr. Apple, stating that five C-4 summary reports of contributions and expenditures were now due or past due, and had not been received. **(Exhibit 9)**
- 3.23 On November 2, 2007, The *Spokesman-Review* published an article in which Mr. Apple was said to insist that his expenditure reports had been filed with the PDC. According to article, Mr. Apple stated that his treasurer had filed the reports manually through the mail, and that Mr. Apple had asked another person to confirm the filing of the reports. **(Exhibit 10)**
- 3.24 On November 30, 2007, PDC staff contacted Mr. Apple by telephone to obtain a formal response to the complaint. During the conversation, Mr. Apple indicated that a new volunteer treasurer (i.e., someone other than Ms. Wilder) had "*taken care of everything.*" **(Exhibit 8, p 5)** He stated he had proof that his C-4 expense reports had been filed with the PDC, but he did not indicate what this proof was. In contradiction to the statements attributed to him in the *Spokesman-Review*, indicating that his reports had been filed through the mail, Mr. Apple stated to PDC staff that his reports had been filed via email. (As discussed above in 3.16, it is not possible to file regular campaign reports with the PDC via email transmission, and no evidence was found that Mr. Apple's campaign attempted to do so.)
- 3.25 On December 10, 2007, Mr. Apple submitted a formal response to the complaint. **(Exhibit 4)** In his response he stated, "*my volunteers and other campaigns have been unable to e-mail as requested the reporting directly.*" He further stated, "*I have just gotten the records back from the volunteers and will amend if necessary but I would like it if you would get your system capable of allowing us all, internet access.*" He also stated, "*perhaps you should be using, industry wide acceptable programs that well, work.*"
- 3.26 On January 28, 2008, PDC staff again contacted the Spokane County Elections Office and spoke with Mike McLaughlin, Spokane County Elections Manager. Mr. McLaughlin confirmed that no reports for Mr. Apple's 2007 campaign had been received in his office, other than Mr. Apple's initial C-1 Candidate Registration, received on May 14, 2007. **(Exhibit 11, p 1)** As discussed above in 3.20, reports that are filed via the electronic alternative approved by the Public Disclosure Commission are not also required to be filed with the county elections office.
- 3.27 On January 28, 2008, PDC staff contacted Mr. Apple by telephone regarding a letter that was sent to him that day by mail delivery and email. **(Exhibit 11, p 2)** Staff's letter **(Exhibit 12)** requested copies of the reports he stated had been filed, but which had not been received; the letter also asked Mr. Apple to furnish the proof he said he possessed that his reports had been filed as

required. In response to staff's question regarding his treasurer, Mr. Apple said that a professional accountant had taken over for Marianne Wilder in filing his reports. Mr. Apple did not know the accountant's name. Staff asked Mr. Apple to identify this accountant in his response to staff's letter of January 28, 2008, and to provide contact information for him or her.

- 3.28 On February 15, 2008, a response to staff's letter of January 28, 2008 was received from Mr. Apple. **(Exhibit 13)** His response did not include copies of the expenditure reports he stated were filed, and did not provide or describe any proof of their filing. The response did not identify the accountant Mr. Apple stated had performed his filings, or provide contact information for that person, as PDC staff had requested. For the first time, Mr. Apple appeared to indicate in his response that his expenditure reports had not in fact been filed, stating that *"It is unfortunate, that it became impossible to submit information and perhaps due to your agencies forms however the public was informed as required and before, the election concluded."* This last statement may refer to the November 2, 2007 *Spokesman-Review* article, in which Mr. Apple offered some details of his campaign activity.

IV.

SCOPE

- 4.1 Staff reviewed the complaint against Robert Apple, received from Timothy Cejka on October 29, 2007.
- 4.2 Staff reviewed the following reports filed by Robert Apple 2003 and 2007 campaigns:
1. C-1 Candidate Registration filed by 2007 Robert Apple campaign on May 12, 2007;
 2. C-3 Monetary Contributions reports filed by the 2007 Robert Apple campaign on July 10 and October 4, 2007; and
 3. C-4 report filed by the 2003 Robert Apple campaign on December 11, 2003.
- 4.3 Staff reviewed a written response to the complaint, received from Robert Apple on December 10, 2007.
- 4.4 Staff reviewed an email from Robert Apple to Tony Perkins, sent on February 15, 2008.

4.5 Staff reviewed the following communications from PDC staff:

1. An email to Robert Apple, sent by Sally Parker on July 11, 2007;
2. An email to Marianne Wilder and Robert Apple, sent by Chip Beatty on October 16, 2007;
3. A letter from Tony Perkins to Robert Apple, mailed on January 28, 2008; and
4. An email to Robert Apple, sent by Tony Perkins on February 13, 2008.

4.6 Staff reviewed telephone records of PDC staff members, as follows:

1. Records of Chip Beatty for calls on October 4 and 16, 2007, November 30, 2007, and February 13 and 29, 2008; and
2. Records of Tony Perkins for calls on January 28, 2008.

4.7 Staff reviewed an article published on November 2, 2007 in the *Spokane Spokesman-Review*, under the title "Mayoral Race Tops \$400,000."

4.8 Staff conducted informal interviews with the following individuals:

1. Timothy Cejka was interviewed on January 28, 2008.
2. Robert Apple was interviewed on October 4, 2007, November 30, 2007, and January 28, 2008.
3. Marianne Wilder was interviewed on October 4 and 16, 2007.
4. Peggy Peterson of Comcast Spotlight was interviewed on February 13, 2008.
5. Mieko Bertrand of Diamond Press was interviewed on February 13, 2008.
6. Nancy Loberg of the *Inland Register* was interviewed on February 13, 2008.
7. Kay McGooklin of Preferred Advertising was interviewed on February 29, 2008.
8. The staff of the Spokane County Elections Office was interviewed on October 16, 2007 and January 28, 2008.

V.

LAW

RCW 42.17.080 and 090 require candidates to file timely, accurate reports of contributions and expenditures, including in-kind contributions. During the five months before the general election, summary reports of receipts and expenditures are required to be filed 21 days, and again 7 days, before each

election in which the candidate will appear on the ballot. A post-election summary report is due on the 10th of the month following each election. Contribution deposits made during this same time period must be disclosed on the Monday following the date of deposit.

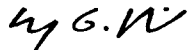
RCW 42.17.3691 requires candidates who expect to spend at least \$10,000 in the current year to file reports of all contributions and expenditures for their campaign electronically.

WAC 390-19-030(2)(b) states that a filer "expects to spend" \$10,000 in the current calendar year when that filer is a candidate for the same office last sought, the filer's election is in the current calendar year, and his or her campaign expenditures in the previous election for the same office were \$10,000 or more.

RCW 42.17.040 requires candidates to file an amended registration statement with the PDC and the appropriate county elections officer within ten days of any material change to the information on the candidate's initial registration.

RCW 42.17.050 states that following a change in the treasurer of a candidate's campaign, the candidate is required to register the name and address of any successor with the PDC and the appropriate county elections officer. The statute further states that "*[n]o treasurer, deputy treasurer, or depository may be deemed to be in compliance with the provisions of [Chapter 42.17 RCW] until his name and address is filed with the commission and the appropriate county elections officer.*"

Respectfully submitted this 2nd day of April, 2008.

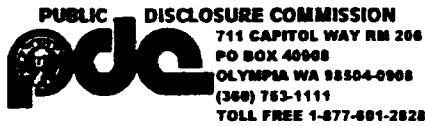


Tony Perkins
Political Finance Specialist

EXHIBIT LIST

- Exhibit 1** C-1 Candidate Registration filed by Robert Apple on May 12, 2007.
- Exhibit 2** C-3 Monetary Contributions report filed by the Robert Apple campaign on July 10, 2007.

- Exhibit 3** Complaint against Robert Apple received from Timothy Cejka on October 29, 2007.
- Exhibit 4** Response to the complaint filed by Timothy Cejka, received from Robert Apple on December 10, 2007.
- Exhibit 5** Telephone records of PDC staff member Chip Beatty for calls made on February 13 and 29, 2008, in contacting vendors used by the 2007 Robert Apple campaign.
- Exhibit 6** C-4 report filed by the 2003 Robert Apple campaign on December 11, 2003.
- Exhibit 7** July 11, 2007 email from PDC staff member Sally Parker to Robert Apple.
- Exhibit 8** Telephone records of Chip Beatty for calls on October 4 and 16, 2007, and November 30, 2007.
- Exhibit 9** October 16, 2007 email from Chip Beatty to Marianne Wilder and Robert Apple.
- Exhibit 10** "Mayoral Race Tops \$400,000," a November 2, 2007 article in the *Spokane Spokesman-Review*.
- Exhibit 11** Telephone records of PDC staff member Tony Perkins for calls on January 28, 2008.
- Exhibit 12** January 28, 2008 letter from Tony Perkins to Robert Apple.
- Exhibit 13** February 15, 2008 email from Robert Apple to Tony Perkins.



**CASH RECEIPTS
MONETARY
CONTRIBUTIONS**

C3
(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC
JUL 10 2007

Elected Bob Apple
Candidate or Committee Name (Do not abbreviate. Use full name.)

2509 N. Upriver Ct.
Mailing Address

Spokane WA 99217-7294
City Zip + 4

#4165 -
Office Sought (candidates)
Spokane City Council Dist. #1 Pos. #1

Election Date
Aug 27, 07
Nov 5, 07

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received	Amount	Total
a. Anonymous	\$	\$
b. Candidate's personal funds deposited in the bank (include candidate loans in 1c)		
c. Loans, notes, security agreements. Attach Schedule L		
d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation		
e. Small contributions \$25.00 or less not itemized and number of persons giving (persons)		

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100: Employer's Name, City and State	P R I	G E N	Amount	Aggregate* Total
6-28	Steve Mc Nutt 1102 W. 18th Spokane WA.	Self Employed Spokane WA			\$ 500 -	\$ 500 -
		Occupation <i>Architect</i>				
6-28	Jim Cole 1307 E Empire Spokane WA.	Self Employed Spokane WA			\$ 200 -	\$ 200 -
		Occupation <i>Business Owner</i>				
6-28	Bob Apple 2509 N. Upriver Ct. Spokane WA.	Self Employed Spokane WA			\$ 970 -	\$ 970 -
		Occupation <i>Business Owner</i>				
7-2	Ron Apple 907 E Euclid Spokane WA.	School Dist #81 Spokane WA.			\$ 500 -	\$ 500 -
		Occupation <i>Corporate</i>				
7-2	Marianne Wilder 715 S. Sherman Spokane WA.	Home maker Spokane WA.			\$ 100 -	\$ 100 -
		Occupation				
	<input checked="" type="checkbox"/> Check here if additional pages are attached	Sub-total			2770 -	
		Amount from attached pages			4165 -	

*See next page for details.

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT
Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

4165 -

4. Date of Deposit

7-2-07

I certify that this report is true and complete to the best of my knowledge

Treasurer's Signature

Date

Robert W. Apple

7/9/07

Treasurer's Daytime Telephone No.: (509) 487-4107



**CASH RECEIPTS
MONETARY
CONTRIBUTIONS**

C3
(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC
JUL 10 2007

Elected Bob Apple
Candidate or Committee Name (Do not abbreviate. Use full name.)
2509 N. Upriver Ct.
Mailing Address
Spokane WA 99217-7294
City Zip + 4
4165 - Office Sought (candidates)
Spokane City Council Dist. #1 Pos. #1

Election Date
Aug 27, 07
Nov 6, 07

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received	Amount	Total
a. Anonymous.....	\$	\$
b. Candidate's personal funds deposited in the bank (include candidate loans in 1c).....		
c. Loans, notes, security agreements. Attach Schedule L.....		
d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation.....		
e. Small contributions \$25.00 or less not itemized and number of persons giving (persons)		

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100: Employer's Name, City and State	P R I	G E N	Amount	Aggregate* Total
7-2	<i>Linda Burrows 1612 W 13th Spokane WA</i>				\$ 50-	\$ 50-
	Occupation					
7-2	<i>Teresa Simon 708 S. Thor Spokane WA</i>	<i>RS Properties</i>			\$ 250-	\$ 250-
	Occupation	<i>Realtor</i>				
7-2	<i>Paul Bwyer 709 E 34th Spokane WA</i>				\$ 100-	\$ 100-
	Occupation					
7-2	<i>Glen Cloninger 104 S Freya Spokane WA.</i>	<i>GAC + Associates</i>			\$ 250-	\$ 250-
	Occupation	<i>Architect</i>				
7-2	<i>James Kaufman 1115 W. Broadway Spokane WA.</i>				\$ 35-	\$ 35-
	Occupation					
	<input type="checkbox"/> Check here if additional pages are attached				Sub-total Amount from attached pages <i>685-</i>	

*See next page for details.

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT

Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

4. Date of Deposit

I certify that this report is true and complete to the best of my knowledge

Treasurer's Signature

Date

Treasurer's Daytime Telephone No.: () -



**CASH RECEIPTS
 MONETARY
 CONTRIBUTIONS**

C3
 (1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC
 JUL 10 2007

Elected Rob Apple
 Candidate or Committee Name (Do not abbreviate. Use full name.)
2509 N. Upriver Ct.
 Mailing Address
Spokane WA 99217-7294
 City *Spokane* Zip + 4
4165-
 Office Sought (candidates)
Spokane City Council Dist. 3 / Prec. 31
 Election Date
Aug 27, 07 / Nov 5, 07

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received	Amount	Total
a. Anonymous.....	\$	\$
b. Candidate's personal funds deposited in the bank (include candidate loans in 1c).....		
c. Loans, notes, security agreements. Attach Schedule L.....		
d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation.....		
e. Small contributions \$25.00 or less not itemized and number of persons giving..... (persons)		

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100:* Employer's Name, City and State	P R I	G E N	Amount	Aggregate* Total
7-2	<i>Swanee Swanson 510 W. Riverside Spokane WA</i>				\$ 10-	\$ 10-
	Occupation					
7-2	<i>Dennis Swartz PO Box 30009 Spokane, WA</i>				\$ 100-	\$ 100-
	Occupation					
7-2	<i>Ben Swart PO Box 30009 Spokane WA</i>				\$ 100-	\$ 100-
	Occupation					
7-2	<i>Wikki Burrell 2630 S Arthur Spokane WA</i>	<i>Home nuclear Spokane WA.</i>			\$ 500-	\$ 500-
	Occupation					
7-2	<i>Peggy Burrell 3137 E 18th Spokane WA</i>	<i>Spokane Neighbor hood Action Programs</i>			\$ 500-	\$ 500-
	Occupation <i>Social Worker</i>					
	<input checked="" type="checkbox"/> Check here if additional pages are attached	Sub-total Amount from attached pages			<i>1210-</i>	

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT

Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

4165-

*See next page for details.

4. Date of Deposit

7-2-07

I certify that this report is true and complete to the best of my knowledge

Treasurer's Signature

Date

Rob Apple

7/9/07

Treasurer's Daytime Telephone No.: *(509) 487-4107*

OCT 29 2007

Public Disclosure
Commission

**Formal Complaint to the Washington State Public Disclosure Commission
Relating to an Elected Official or Candidate for Public Office**

Name of Official or Candidate: Robert Wesley AppleAddress of Official or Candidate: 2509 N. Upriver Ct.Official's or Candidate's Spokane, WA 99217-7294
City State Zip CodeOfficial's or Candidate's Telephone: (509) 487-4107
(Include Area Code)Official's or Candidate's E-Mail Address: cometapple@msn.com
(If known)Your signature: Your printed name: TIMOTHY R. CETKAStreet address: 710 EAST BALDWINCity, state and zip code: SPOKANE WA 99207-2503Telephone number: (509) 482-2792E-Mail Address: (Optional) tscetka@hotmail.comDate Signed: 24 AUG 07Place Signed (City and County): SPOKANE, SPOKANE**Complaint:**

The reports for Mr. Apple that appear on the PDC website indicate that he has seriously violated the Public Disclosure Act. I sincerely hope that the PDC will address this issue because he is the third candidate up for re-election in Spokane who has violated this State law. This puts other candidates at an unfair disadvantage when they obey the law and file their reports, giving their opponents information about their campaigns, but the people already in office don't report until much later. It also makes it difficult for citizens to make decisions about who to vote for when we don't have complete and timely information about who's supporting the people who are running for office.

Specifically, a C-3 filed with the PDC on October 4, 2007 which shows no deposit date, but has a date next to the signature at the bottom of 9-26-07, shows money received on 9-4-07 and 9-7-07. If it was deposited on the 26th, it was deposited between 22 and 19 days

OCT 29 2007

Public Disclosure
Commission

after it was received. So, it would have been deposited between 17 and 14 days late and should have been reported on 9-10-07, so it was reported a month late.

A C-3 filed with PDC on October 4, 2007 which also shows no deposit date is signed at the bottom with a date of 8-25-07. Deposits on this report show dates of 8-3-07, 8-22-07, and 8-25-07. If they were deposited on the 25th, then one of them was deposited 17 days late and two of them were filed late because they should have been reported on 8-6 and 8-28. One of them was filed nearly two months late and the other is over a month late.

Another C-3 filed with PDC on October 4, 2007 shows a deposit date of 7-24-07. Deposits on this report show received dates of 7-16-07, 7-17-07, and 7-18-07. If they were deposited on the 24th, they were only deposited between 1 and 3 days late but they were all reported to the PDC over two months late.

A fourth C-3 that was filed with PDC on October 4, 2007, also shows no deposit date, but the date next to the signature at the bottom is 8-24-07. Deposits on this report show dates received as 7-7-07, 7-16-07 8-7-07, 8-8-07. If they were deposited on 8-25-07, all were deposited late, some of them over a month late, and they were reported over a month after they were deposited, but since some were also deposited over a month late, they were reported almost two months after they were received.

Finally, I can't find a report for Mr. Apple that lists any expenditures at all.

Sincerely,

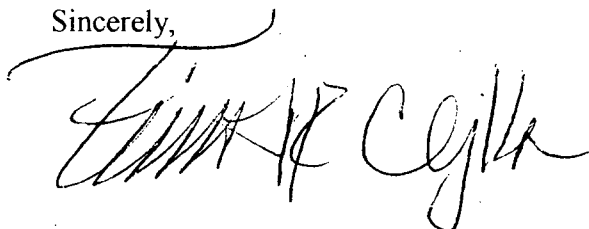


EXHIBIT 3

2 of 8

RECEIVED

OCT 29 2007

Public Disclosure
Commission

**Certification for a
Complaint to the Washington State Public Disclosure Commission Relating to an
Elected Official or Candidate for Public Office
(Notary Not Required)**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: 

Your printed name: TIMOTHY R. CEZKA

Street address: 710 EAST BALDWIN

City, state and zip code: SPOKANE WA 99207-2503

Telephone number: 509 482 2792

E-Mail Address: (Optional) TSCZEKA@Hotmail.com

Date Signed: 24 OCT 07

Place Signed (City and County): SPOKANE, ~~DC~~ SPOKANE, WA.

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

Complaint Attached

EXHIBIT ³

3 of 8

DATE FILED PDC

OCT 04 2007

RECEIVED

OCT 10 2007

Public Disclosure
Commission

RECEIVED
OCT 29 2007

Public Disclosure
Commission

Marianne Wilder
715 S. Sherman St.
Spokane, WA 99202
509-270-1999

10-4-07

Public Disclosure Comm.
711 Capitol Way Rm. 206
P.O. Box 40908
Olympia, WA 98504

Attn: Chip Beatty

Dear Chip,

Per our conversation on the phone this morning, Enclosed are the copies of the C3's. If you have any questions please feel free to contact me at the above number. I will also call you next week sometime to check with you and make sure I've done this correctly.

Thank you.

Sincerely,

Marianne Wilder

EXHIBIT 3
4 of 8

**CASH RECEIPTS
 MONETARY
 CONTRIBUTIONS**

C3
 RECEIVED (1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC
 OCT 04 2007

Candidate or Committee Name (Do not abbreviate. Use full name.)
Robert Wesley Apple

Mailing Address
2509 N. Upriver Drive CT

City **Spokane** Zip + 4 **99207** Office Sought (candidate) **City Council** Election Date **11/08/07**

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received		Amount	Total
	a. Anonymous.....	\$	\$
	b. Candidate's personal funds deposited in the bank (include candidate loans in 1c).....		
	c. Loans, notes, security agreements. Attach Schedule L.....		
	d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation.....		
	e. Small contributions \$25.00 or less not itemized and number of persons giving..... (persons)		

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100: Employer's Name, City and State	P R I	G E N	Amount	Aggregate* Total
7-16-07	Wash. Association of Realtors P.O. Box 719 Olympia, WA 98507	Wash. Association of Realtors			\$ 500.00	\$
		Occupation				
7-16-07	Christopher Marr 931 W. Regent Court Spokane, WA 99203	U.S. Senator			\$ 250.00	\$
		Occupation				
7-18-07	Jennifer Chandler 824 1/2 W. Sprague #205 Spokane, WA 99201				\$ 20.00	\$
		Occupation				
7-17-07	Linda & Timothy McHenry 1624 S. Latawah Spokane, WA 99203				\$ 25.00	\$
		Occupation				
7-17-07	Laura Garrison 2025 S. Grand Blvd. #3 Spokane, WA 99203				\$ 25.00	\$
		Occupation				
	<input type="checkbox"/> Check here if additional pages are attached	Sub-total			\$ 820.00	
		Amount from attached pages				

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT

*See reverse for details.

Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

4. Date of Deposit
7-24-07

I certify that this report is true and complete to the best of my knowledge
 Treasurer's Signature **Marianne Wilder** Date **8-24-07**

EXHIBIT 3
 of 8

**CASH RECEIPTS
 MONETARY
 CONTRIBUTIONS**

C3
 RECEIVED (1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC
 OCT 04 2007

Candidate or Committee Name (Do not abbreviate. Use full name.)
Robert Wesley Apple OCT 29 2007

Mailing Address
2509 N. Upriver Drive CT Public Disclosure Commission

City **Spokane** Zip + 4 **99207** Office Sought (candidates) **City Council** Election Date **11/06/07**

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received		Amount	Total
	a. Anonymous.....	\$	\$
	b. Candidate's personal funds deposited in the bank (include candidate loans in 1c).....		
	c. Loans, notes, security agreements. Attach Schedule L.....		
	d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation.....		
	e. Small contributions \$25.00 or less not itemized and number of persons giving _____ (persons)		

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100: Employer's Name, City and State	P R I	G E N	Amount	Aggregate* Total
7-7-07	James & Rosemarie Santorsola 2017 E. Cataldo Ave Spokane, WA 99202	Business owner			\$100.00	\$
		Occupation				
7-16-07	Geo Brower 2311 W. 16th Ave. #267 Spokane, WA 99224	C.P.A.			\$25.00	\$
		Occupation				
8-7-07	Anita Messex 718 E. Dalke Ave Spokane, WA 99208				\$25.00	\$
		Occupation				
8-8-07	Gerald & Dee Saling 7010 N. East Bluff Ct. Spokane, WA 99208				\$50.00	\$
		Occupation				
					\$	\$
		Occupation				
	<input type="checkbox"/> Check here if additional pages are attached	Sub-total Amount from attached pages			200.00	

*See reverse for details.

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT
 Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

4. Date of Deposit

I certify that this report is true and complete to the best of my knowledge

Treasurer's Signature

Date

Marian Will

8-24-07

EXHIBIT 3

8 of 8

WA PDC
CO Chip Beatty
Fax 1(360)753-1112

RECEIVED12/10/07
DEC 10 2007Public Disclosure
Commission

Chip Beatty:

With regards to, a claimed complaint expressed in PDC Case No. 08-091 firstly, I question the complaint as valid. A data base search, of the complainant's name turns up an only 88 year old and that handwriting provided gives cause and so I question the validity of the complainant as a qualified electorate, of the district in question. Secondly, my volunteers and other campaigns have been unable to e-mail as requested the reporting directly and though you have heard this before fortunately, the local paper of record printed our expenses prior to the election:

\$ 180 filing fee
\$2,000 the Sign Company (yard signs)
\$2,500 Comcast Spotlight (ads for TV)
\$2,500 Diamond Press and mail (bulk mail printed ad)
\$ 125 printed ad in Catholic Register

The total should, be roughly the \$7,000 reported and provided you received all those reports, as contributions made. After the election, there was a celebration to close the successful campaign with no outside contributions excepted, after that point. I have as yet, not reviewed your site to see if all contributions have been properly expressed but, will attempt to do so.

You should, be able to find the political news article that also contained my campaign expenses fully as they are, the Spokesman-review newspaper. I have just gotten, the records back from the volunteers and will amend if necessary but I would like it if you would get your system capable of allowing us all, internet access. I have heard, from many regarding the difficulties they have had with your system considering it is an uncompensated mandate to candidates perhaps you should be using, industry wide acceptable programs that well, work. I have, had no problem accessing the City of Spokane's interactive information over the last four years, for example.

I'm more than willing, for the PDC to convene a hearing over here to address your concerns but in Spokane and with, a local decision maker presiding. Quite frankly, I would have gladly continued to fill out PDC C-3 and 4 forms if on line and not have to rely on volunteers but for your interface not worked with my system and other have had, the same problem you need to correct.

Bob Apple
487-4107 / 625-6255
cometapple@msn.com / bapple@spokanecity.org
2509 N upriver Ct. Spokane WA 99217
808 W Spokane Falls Blvd. Spokane WA 99201

EXHIBIT
1 of 1

4

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 2/13/2008
Time Printed: 11:27AM
Printed By: CBEAT7

Date 2/13/2008 Time 10:32AM - 10:42AM Duration - 0.17 (hours) Case
Subject Robert Apple Staff
Client CaseRef CaseNo
Out To Comcast Spotlight From CBEATTY
Phone1 509-755-4667 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read Y Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

Spoke with Peggy Peterson.

1. Nature and extent of advertising? 189 spots running October 11th thru November 5th.
2. Date order placed? September 28, 2007
3. Date payment received? October 5, 2007
4. Who paid? Robert Apple / Elect Bob Apple
5. Cost? \$1994.10

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 2/13/2008
Time Printed: 11:44AM
Printed By: CBEATTJ

Date 2/13/2008 Time 11:40AM - 11:42AM Duration - 0.03 (hours) Case
Subject Robert Apple Staff
Client CaseRef CaseNo
In From Comcast Spotlight To CBEATTY
Phone1 509-755-4730 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read Y Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

Peggy Peterson called to say she remembered something else. They produced the commercial for Bob Apple.

The cost was \$591.00

It was paid on October 12, 2007

Paid for by Robert Apple / Elect Bob Apple

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 2/13/2008

Time Printed: 10:28AM

Printed By: CBEAT7

Date 2/13/2008 Time 10:15AM - 10:25AM Duration - 0.17 (hours) Case
Subject Robert Apple Staff
Client CaseRef CaseNo
Out To Diamond Press From CBEATTY
Phone1 509-489-3917 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read Y Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

I spoke with Mieko Bertrand at Diamond Press.

1. Nature and extent of advertising? 7000 postcard mailing pieces were made. A quantity of 5000 were mailed.

2. Date order was placed? October 4, 2007.

3. Date payment was received? A payment of \$1007.40 was made on October 17, 2007. The balance of \$1801.54 was made on October 25, 2007.

4. Who paid? The Committee to Elect Robert Apple

5. Cost? The print cost was \$1801.54 and the mailing cost was \$1007.40 for a combined total of \$2808.94.

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 2/13/2008
Time Printed: 11:27AM
Printed By: CBEAT7

Date 2/13/2008 Time 10:45AM - 10:55AM Duration - 0.17 (hours) Case
Subject Robert Apple Staff
Client CaseRef CaseNo
Out To Inland Register From CBEATTY
Phone1 509-358-7340 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read Y Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

Spoke with Nancy Loberg.

1. Nature and extent of advertising? One ad, measuring 2 column width x 2 inches, which appeared in the October 25th issue of the Inland Register.

2. Date order placed? October 18, 2007

3. Date payment received? October 18, 2007

4. Who paid? Robert Apple / Elect Robert Apple

5. Cost? \$116.80

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 2/29/2008

Time Printed: 11:12AM

Printed By: CBEAT1

Date 2/29/2008 Time 11:05AM - 11:10AM Duration - 0.08 (hours) Case
Subject Robert Apple Staff
Client CaseRef CaseNo
In From Preferred Advertising To CBEATTY
Phone1 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read Y Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

Spoke with Kay McGoocklin

1. Nature and extent of advertising? 500 campaign yard signs
2. Date order placed? June 23, 2007
3. Date payment received? June 26, 2007
4. Who paid? Robert Apple / Elect Robert Apple
5. Cost? \$2009.10



**CAMPAIGN SUMMARY
RECEIPTS & EXPENDITURES**

C4
(1/02)
PDC DATE FILED PDC
DEC 11 2003

Candidate or Committee Name (Do not abbreviate. Include full name)
Robert W. Apple

Mailing Address
2509 N. Upriver Ct City Spokane

Zip + 4 99207-7294 Office Sought (Candidates) Spokane City Council Dist. 1 Pos 1 Election Date 11/4/03

Report Period Covered 10/8/03 10/30/03 To (end of period) Final Report? Yes No

*For PACs, Parties & Caucus Committees: During this report period, did the committee make an Independent expenditure (i.e., an expense not considered a contribution) supporting or opposing a state or local candidate?
Yes No

RECEIPTS

*See reverse

1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)	\$	<u>13844⁰⁰</u>
2. Cash received (From line 2, Schedule A)	\$	<u>25⁰⁰</u>
3. In kind contributions received (From line 1, Schedule B)		<u>4487.30</u>
4. Total cash and in kind contributions received this period (Line 2 plus 3)		<u>4512³⁰</u>
5. Loan principal repayments made (From line 2, Schedule L)		<u>(1000)</u>
6. Corrections (From line 1 or 3, Schedule C) Show + or (-)		
7. Net adjustments this period (Combine line 5 & 6) Show + or (-)		<u>1000⁰⁰</u>
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)		<u>17,356³⁰</u>
9. Total pledge payments due (From line 2, Schedule B)		<u> </u>

EXPENDITURES

10. Previous total cash and in kind expenditures (From line 17, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)		<u>12,763³⁹</u>
11. Total cash expenditures (From line 4, Schedule A)		<u>1000</u>
12. In kind expenditures (goods & services) (From line 1, Schedule B)		<u>4487.30</u>
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)		<u>5487.30</u>
14. Loan principal repayments made (From line 2, Schedule L)		<u>(1000)</u>
15. Corrections (From line 2 or 3, Schedule C) Show + or (-)		
16. Net adjustments this period (Combine lines 14 & 15) Show + or (-)		<u>-1000⁰⁰</u>
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)		<u>17,250.69</u>

CANDIDATES ONLY

	Won	Lost	Unopposed	Name not on ballot
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Treasurer's Daytime Telephone No.:
(509) 487-4107

CASH SUMMARY

18. Cash on hand (Line 8 minus line 17) (Line 18 should equal your bank account balance(s) plus your petty cash balance.)	\$	<u>10561</u>
19. Liabilities: (Sum of loans and debts owed) <u>None</u>		<u>(0)</u>
20. Balance (Surplus or deficit) (Line 18 minus line 19)		<u>10561</u>

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature <u>Robert W. Apple</u>	Date <u>12/10/03</u>	Treasurer's Signature <u> </u>	Date <u> </u>
---	-------------------------	--	-------------------------------------

Sally Parker

From: Sally Parker
Sent: Wednesday, July 11, 2007 8:22 AM
To: 'Robert Apple'
Subject: Bob Apple C3 form

Bob,

Thanks for the update. Since you spent over \$10,000 in your last campaign, your reports must be filed electronically so I am not sending you blank forms. You can find any forms you need on the PDC web site at http://www.pdc.wa.gov/filers/blank_forms/Default.aspx.

Your new treasurer can download the ORCA software at <http://www.pdc.wa.gov/filers/orca/Default.aspx>. The setup wizard will walk him/her through the setup of the campaign. The Help menu has tutorials that will help in entering a variety of transactions. Be sure to give the treasurer my email so I can help if need be. He/she will need to electronically file the reports you submitted on paper.

Sally Parker
Filer Assistant Specialist
Public Disclosure Commission
360-586-2869 or toll-free 1-877-601-2828

From: Robert Apple [mailto:cometapple@msn.com]
Sent: Tuesday, July 10, 2007 10:53 PM
To: Sally Parker
Subject: RE: C3 form

Sally Parker:

As per the phone call, I had with you last Friday my computer is still having problems and my printer interface, i still down. I printed out the C-3 forms, on another system so I could fill them out and send them through the mail and if you would like them faxed, that is possible. I had previously, filled out the F-1 but am not aware of any access codes as referred on the PDC web site so ask, your facilitation for future use.

I may have, found someone to take on these required tasks and will advise. Could you, send along a time schedule and blank forms with directions for filing and so, I can pass it along. Thank you.

Bob Apple, Candidate
Spokane City Council, Pos. #1 Dist. #1
(509)487-4107

Subject: C3 form
Date: Fri, 6 Jul 2007 17:50:30 -0700
From: sparker@pdc.wa.gov
To: cometapple@msn.com

Sally Parker
Filer Assistant Specialist
Public Disclosure Commission
360-586-2869 or toll-free 1-877-601-2828

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 1/24/2008

Time Printed: 10:35AM

Printed By: CBEAT1

Date 10/04/2007 Time 10:00AM - 10:02AM Duration - 0.03 (hours) Case
Subject Missing Reports Staff
Client CaseRef CaseNo
Out To Robert Apple From CBEATTY
Phone1 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read Y Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

In response to a call that I received from a reporter at the Spokane Spokesman Review who was seeking campaign reports for a Spokane race, I called Mr. Apple to inquire about missing campaign reports (21 & 7 day pre-primary C-4's and post-primary C-4). He said that I would need to talk with his treasurer.

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 1/24/2008

Time Printed: 10:36AM

Printed By: CBEATJ

Date 10/04/2007 Time 10:05AM - 10:20AM Duration - 0.25 (hours) Case
Subject Missing Reports Staff
Client CaseRef CaseNo
Out To Marianne Wilder From CBEATTY
Phone1 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read Y Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

I called her to inquire about Robert Apple's campaign and the fact that there were not any filing since July 12, 2007.

Marianne indicated that she is a volunteer and full time student. She said that when she originally volunteered, she did not know that it would be as labor intensive as it is.

She said that she would file reports asap and that she would probably be telling the Apple campaign to find another treasurer.

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 1/24/2008
Time Printed: 10:31AM
Printed By: CBEATTJ

Date 10/16/2007 Time 1:00PM - 10:10PM Duration - 9.17 (hours) Case
Subject Missing Reports Staff
Client CaseRef CaseNo
Out To CBEATTY From
Phone1 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read N Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

Called the Spokane Co Elections division to see if any campaign reports were filed with the county. No C3s or C4s have been filed.

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 1/24/2008
Time Printed: 10:22AM
Printed By: CBEATTJ

Date 10/16/2007 Time 2:00PM - 2:20PM Duration - 0.33 (hours) Case
Subject Missing Reports Staff
Client CaseRef CaseNo
Out To Marianne Wilder From CBEATTY
Phone1 Phone2 Phone3 -
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read N Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

This call is in response to a second call from a reporter at the Spokane Spokesman Review who said that C3 reports were filed for the Apple campaign but no C4 reports. He also said that he had contacted Mr. Apple about the missing reports and that Apple said they reports were all filed. He also told the reporter that the PDC had lost the reports.

I called Marianne. I asked her to furnish me copies of the C4 reports that Apple indicated had been sent (but lost by the PDC). Her response to my request was, "What is a C4 report."

I explained that the C4 reports are contribution and expenditure summary reports. I further explained that the campaign was missing 5 C-4 reports with the most recent being due today.

She said that she had no idea what the reports were. I told her that I would send her a detailed email outlining the reporting dates, links to the forms etc.

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 1/24/2008
Time Printed: 9:14AM
Printed By: CBEAT1

Date 11/30/2007 Time 11:45AM - 11:56AM Duration - 0.18 (hours) Case
Subject Complaint Response #08-091 Staff
Client CaseRef CaseNo
Out To Robert Apple From CBEATTY
Phone1 509-487-4107 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read Y Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

I contacted Mr. Apple concerning his lack of response to our letter of November 7, 2007. During the conversation, Mr. Apple indicated that he thought his "new" volunteer (someone after Marianne) had "taken care of everything".

He insisted that the C-4 forms had previously been filed with us and that he had proof. He did not indicate what that proof was. I asked him to furnish that with his written response.

He insisted that he should not have had to file the full number of C-4 reports because he really only had activity in 2 periods.

He insisted that as far as he knew that the reports had been filed via email.

He insisted that he shouldn't have had to file any reports because his was a small campaign under the \$10,000 threshold.

I requested that Mr. Apple please respond in writing with an explanation so that I would be able to include his explanation in my report. I also asked him to have his volunteer contact me concerning his missing filings.

Chip Beatty

From: Chip Beatty
Sent: Tuesday, October 16, 2007 3:09 PM
To: 'mariwilder@aol.com'; 'cometapple@msn.com'
Cc: Phil Stutzman; Lori Anderson
Subject: Apple Campaign Records

Marianne~

As per our conversation today, I am sending you links to information and forms that will assist you in completing the C4 filings. I am also sending a copy of this email to the email address of record for the candidate.

If after reviewing the information, you still have confusion about filing requirements, I would suggest you contact Mr. Apple and seek additional help to get the filings completed **immediately**.

Here is the link to the 2007 Candidate Reporting Dates;
<http://www.pdc.wa.gov/archive/filerassistance/whatsnew/pdf/2007.KRP.Can.pdf>

Neither the PDC nor the Spokane Co. Elections office have ever received the required C-4 Campaign Summary Reports which were to be filed as indicated on the Reporting Dates handout.

The following reports have not been filed.

June 11 Monthly C-4 covering the period of May 1 thru May 31 (Required of there was \$200 of activity during the period). This report is 127 day late.

July 31 21 day pre-primary C-4 due covering June 1 thru July 24 This report is 77 days late.

Aug 14 7 day pre-primary C-4 due covering July 25th thru Aug 13 This report is 63 days late.

Sept 10 Post-primary C-4 due covering Aug 14 thru Aug 31 This report is 36 days late.

Oct 16 21 day pre-general C-4 due covering the period Sept 1 thru Oct 9 This report is due today.

The forms may be found at the following link; http://www.pdc.wa.gov/filers/blank_forms/Default.aspx

The instruction manual may be found at the following link;
<http://www.pdc.wa.gov/archive/guide/brochures/pdf/2007/Loc&JudManual.pdf>

As per our conversation, please complete all late campaign reports immediately. Upon completion, fax a copy of all to our office at (360) 753-1112, **mail a copy to the county elections department and mail the original to the PDC post office box shown on the form.**

Your immediate attention to this matter is required. If you or the candidate have any questions, please contact me via telephone or email.

Chip Beatty
 Political Finance Specialist
 Public Disclosure Commission
 (360) 586-0616 or (877) 601-2828

EXHIBIT 9

1 of 1

11/15/2007

ELECTION '07

Mayoral race tops \$400,000

Stark has largest single contribution

Jim Camden

Staff writer

November 2, 2007

With less than a week left in Spokane's municipal campaigns, spending in the mayor's race has topped \$400,000 and passed the amount spent in the 2003 election. It's not a record – at least not yet – running slightly behind the amount spent in 2000 during the city's first campaign for a strong mayor.

One council candidate has the largest single contribution received since the city went to district elections. The Realtors Quality of Life PAC spent more than \$11,000 on a mailer for City Councilman Brad Stark, which is listed as an in-kind contribution to his campaign.

Another council candidate is trying to figure out why the reports he insists have been sent to the state Public Disclosure Commission have so far not been posted on the agency's Web site.

"I honestly don't get what's going on," said Councilman Bob Apple, who insists he has reported his recent campaign expenditures. "I don't know why it's not showing up."

Candidates are required to report how much they've raised and spent at specific points during the campaign, including a week before the election. Reports filed by computer show up almost immediately; those sent by mail sometimes take a few days.

The latest reports show incumbent Mayor Dennis Hession has raised almost \$297,000, which is almost three times as much as his challenger, Councilwoman Mary Verner, who has reported just under \$105,000.

Although both campaign funds are in six figures, the candidates have had to borrow money to meet some expenses at key points in the campaign. Verner loaned her campaign \$4,300 before filing for office and has yet to repay it from contributions.

Hession loaned the same amount to his campaign, and has three larger loans – two of \$10,000 each and a third of \$15,000. None of them has been repaid at this point.

Getting loans in the middle of a campaign, and paying them off later, is legal and not unusual for high-profile races that need cash at key points in their strategic plan. Most campaign advertising must be paid for at the time it is purchased rather than on credit.

Candidates who win often have an easy time retiring debt by holding post-election fund-raisers and sometimes collect money from donors of their opponents. Candidates who lose have a more difficult time paying off loans, and sometimes the unpaid balance becomes a contribution from the lender.

Hession's loans include \$15,000 from Steven B. Smith, an executive with a company that sites and builds cellular towers, \$10,000 from Thomas Paine, an Avista executive who handles the utility's legislative affairs, and \$10,000 from Michael Ormsby, a local attorney.

Critics of the city's involvement in the River Park Square mall renovation have been quick to point out that Ormsby was the attorney for the private foundation that sold some \$31.4 million in bonds to purchase the garage from the development arm of Cowles Publishing Co., which publishes The Spokesman-Review. Revenues from the garage were never enough to cover

On the Web

Details on the candidates' contributions and expenses can be found on the PDC Web site, www.pdc.wa.gov.

Related stories

Elections - Spokane

all of the facilities costs and the bond payments, which resulted in investors filing a securities fraud case against the city, Cowles development companies, the foundation and others involved in the project, including Ormsby's firm.

A federal investigation of the garage deal is under way by the U.S. Justice Department after U.S. Attorney Jim McDevitt, who is a former partner in the same firm as Ormsby, recused himself from the investigation.

Ormsby is also a longtime participant in local politics, which started with his election to the Spokane School Board in 1975, when he was 18. In an interview Thursday, he said he has been active in politics and contributing to local, state and national campaigns for more than 30 years.

The contributions to Hession have nothing to do with River Park Square, he said.

"My loan to Dennis stems out of an over-20-year friendship," he said. "He had to make a media buy at a key point in the campaign."

Ormsby said he and Hession never discussed River Park Square when the securities case was pending, and Hession was a member of the council that approved the settlement. He doesn't think he has talked about it since the settlement, but if he did it would be "just in passing."

Hession agreed that he's never talked with Ormsby about River Park Square. "He's a friend of mine, and he was willing to loan me money that will be repaid."

The contribution to Stark from the Realtors' political action committee was coordinated with the Stark campaign to carry a similar message, said Steve Taylor, the organization's legislative director in Spokane. It paid for a full-page, color ad that was mailed to voters in South Spokane's 2nd District.

Taylor said the state Realtors organization considers the campaign "a key race in terms of affordable housing issues" and also has supported Stark with a cash contribution.

Councilman Apple expressed frustration that campaign expenditure and contribution summaries that he says have been mailed by members of his staff are not showing up on the PDC Web site. He said he's spent about \$2,500 on television commercials, \$2,500 for a mailer to voters in Northeast Spokane's 1st District, and \$2,000 on yard signs.

His treasurer is a volunteer without previous experience in reporting campaign expenses and is filling out PDC forms by hand and mailing them in rather than filing by computer. That's allowed under state law for smaller campaigns. He said he's had someone else double-check to make sure the forms were sent, and "I don't think that the people that are doing this are lying."

Lori Anderson, a spokeswoman for the PDC, said she's at a loss to explain how, if the reports have been sent to the right location, they haven't been scanned and posted on the Web site. It's just a few steps from the mail room to the scanner, she said.

"We typically do not lose things," Anderson said.

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 1/28/2008
Time Printed: 12:07PM
Printed By: TPERKI

Date 1/28/2008 Time 12:00PM - 12:05PM Duration - 0.09 (hours) Case
Subject 08-091 Staff
Client CaseRef CaseNo
In From Mike McLaughlin , Spokane Co Electio To TPERKINS
Phone1 Phone2 Phone3
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status
Read N Personal N Hold N Urgent N On Hold N Call Back N Returned N Will Call N
User1 User3
User2 User4

He stated that as of January 28, 2008, no reports have been received from Robert Apple's 2007 campaign other than his C-1, received on May 14, 2007.

EXHIBIT 11

1 of 2

Filters Used:
1 Tagged Record

Phone Report

Form Format

Date Printed: 3/20/2008
Time Printed: 3:42PM
Printed By: TPERKI

Date	1/28/2008	Time	12:21PM - 12:21PM	Duration	- 0.00 (hours)	Case			
Subject	08-091					Staff			
Client		CaseRef		CaseNo					
Out To	Robert Apple			From	TPERKINS				
Phone1	509-487-4107	Phone2		Phone3					
Reminders		(days before)	Follow N	Done N	Notify N	Hide N	Trigger N	Private N	Status
Read	Y	Personal N	Hold N	Urgent N	On Hold N	Call Back N	Returned N	Will Call N	
User1				User3					
User2				User4					

Told him that letter was en route, and that it asked for a response by February 11, 2008.

He asked what we were doing to follow up on his challenge of the legitimacy of the complaint. I told him that once our directors determine that a complaint should be logged in and investigated, the staff investigators do not normally investigate whether the complainant is who he or she says he is. However, I said I'd pass on his concerns to Phil.

In response to my question regarding his second treasurer, Apple said that an accountant took over for Marianne and filed his reports for him. (He said that he did not believe Marianne stepped down, per se, but just handed over her filing duties.) He said that the accountant, who worked on a volunteer basis, had been recommended to him. He did not know the accountant's name. I asked him to identify this accountant in his response to our letter, and to provide contact information for him or her.

EXHIBIT
2 of 2



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
Toll Free 1-877-601-2828 * E-mail: pdc@pdc.wa.gov * Website: www.pdc.wa.gov

January 28, 2008

ROBERT APPLE
2509 N UPRIVER CT
SPOKANE WA 99217

BY U.S. AND ELECTRONIC MAIL

Subject: Investigation in PDC Case No. 08-091

Dear Mr. Apple:

As you are aware, PDC staff is investigating a complaint that in part alleges that your 2007 re-election campaign for Spokane City Council failed to file any C-4 reports of campaign expenditures. As of today's date, the required C-4 reports have not been received in our office. In addition, the staff of the Spokane County Elections office stated today that no expenditure reports for your 2007 campaign have been received in their office.

In a conversation with PDC staff member Chip Beatty on November 30, 2007, and in statements attributed to you by the media, you have indicated that your C-4 expenditure reports were filed with the Public Disclosure Commission as required. Please take this opportunity to provide copies of all C-4 reports and relevant schedule reports that you believe were filed, so that the reports may become part of the record in this investigation. Please also identify the person who submitted the filings for you, and provide contact information for him or her.

Please provide copies of the expenditure reports **by no later than February 11, 2008**. If any monetary contributions to your campaign have not yet been disclosed, please also file C-3 reports of those contributions by that date.

Finally, in your conversation with Chip Beatty on November 30, 2007 you indicated that you possess some evidence that your expenditure reports were filed with the PDC as required. If you wish to provide this evidence for inclusion in staff's Report of Investigation, please do so by February 11, 2008.

If you have questions, please contact me at (360) 586-1042, toll-free at 1-877-601-2828 or by e-mail at tperkins@pdc.wa.gov.

Sincerely,

Tony Perkins
Lead Political Finance Specialist

EXHIBIT

1 of 12

12



Tony Perkins

From: Robert Apple [cometapple@msn.com]
Sent: Friday, February 15, 2008 12:24 PM
To: Tony Perkins
Subject: RE: PDC Case 08-091

Tony Perkins:

You are, apparently aware that my limited campaign expenditures that matched receipts acknowledged were reported in the Spokesman-review newspaper and being, the local paper of record for this region. So please, refer to that record which was brought to the PDC's attention in, an acknowledged transmittal. It is unfortunate, that it became impossible to submit information and perhaps due to your agencies forms however the public was informed as required and before, the election concluded.

I however, also find it unfortunate that your agency has failed to check into the validity of my claimed complainant as to the complaint filed against me, as being fraudulent. It is clearly, unfortunate that you see fit to follow through on one complaint and not another, of equal merit. Worse yet, when it is the only cause of action being used to peruse your interpretation of records reporting and clearly they have been, though not in your form.

If you need complaints, such as an organized candidate solicitation phone bank in operation and participated in by my opponent and other candidates yet completely vacuous in public disclosure, you have one. Perhaps surprising, that one primary opponents knocked out by the voters also spent ten-thousand-dollars or more and reported far less while still paying storage on the signs and other purchased items awaiting, for the next election. Apparently, PDC justice comes by a very narrow interpretation that will be used, at will!

Bob Apple, Spokane City Council Member, Re-elected

Subject: FW: PDC Case 08-091
 Date: Wed, 13 Feb 2008 17:12:34 -0800
 From: tperkins@pdc.wa.gov
 To: cometapple@msn.com
 CC: cbeatty@pdc.wa.gov

Dear Mr. Apple,

As of today, February 13, 2008, PDC staff has not received any response from you to the attached letter, which I told you was en route in a telephone conversation on January 28, 2008. The letter requested a response from you by February 11, 2008.

I plan to finalize my Report of Investigation in PDC Case 08-091 on Friday, February 15, 2008. Please reply to this email to let me know whether you expect to supply any campaign reports or information relevant to the investigation by that date.

I will be out of the office tomorrow, Thursday February 14, 2008, but I will respond to emails and phone messages on Friday.

Sincerely,

Tony Perkins

Political Finance Specialist, PDC
 (360) 586-1042

From: Tony Perkins
Sent: Monday, January 28, 2008 1:40 PM
To: 'cometapple@msn.com'

2/19/2008

EXHIBIT ¹³

1 of 2

Subject: PDC Case 08-091

Dear Mr. Apple:

As discussed in our conversation of this afternoon, attached is an advance copy of a letter being mailed today, January 28, 2008, regarding the PDC's investigation in the above-referenced case. As requested in the letter, if you plan to submit a response please do so **by no later than February 11, 2008**.

Please contact me by email or at the number below if you have any questions.

Sincerely,

Tony Perkins

Political Finance Specialist, PDC
(360) 586-1042