



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

November 16, 2005

PATRICIA J DAVIS
815 1ST AVE STE 313
SEATTLE WA 98104

Subject: Final Order – Patricia Davis - PDC Case No. 06-250

Dear Ms. Davis:

Enclosed is the Public Disclosure Commission's Final Order Imposing Fine that was entered in the above-referenced case. Also enclosed is the Stipulation as to Facts and Violations that was accepted by the Commission.

The Commission found that Patricia Davis committed multiple violations of RCW 42.17.080 and .090 for failing to timely and accurately file reports of contributions and expenditures on the dates provided in the Stipulation. A civil penalty of \$2,500 was assessed with \$500 suspended if there are no further violations of RCW 42.17 from the date of the hearing through 2009.

Unless you seek reconsideration of the final order, or exercise your appeal rights as outlined in the order, the \$2,000 non-suspended portion of the penalty is due at this time. If you have questions, please contact me at (360) 664-8853 or toll free at 1-877-601-2828 or by e-mail at pstutzman@pdc.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Philip E. Stutzman".

Philip E. Stutzman
Director of Compliance

Enclosures



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

In the Matter of Enforcement Action Against:
Patricia Davis,

Respondent

PDC CASE NO. 06-250
FINAL ORDER

10 This matter came for hearing before the Washington State Public Disclosure
11 Commission on October 27, 2005 at the PDC offices in the Evergreen Plaza Building,
12 Room 206, 711 Capitol Way South, Olympia, Washington. Those present included
13 Commission members Earl Tilly, Chair; Jane Noland, Vice Chair; Bill Brumsickle,
14 Secretary; Mike Connelly; and, Ken Schellberg. Also present were PDC Executive
15 Director Vicki Rippie; Senior Assistant Attorney General Linda Dalton for PDC Staff;
16 Senior Counsel Nancy Krier for the Commission; Respondent Patricia Davis (via
17 telephone); and, Suzanne Thomas, attorney for Respondent. The proceedings were open to
18 the public and were recorded.

19 This matter involved a citizen action letter (45-day letter) dated September 27, 2005
20 from Richard L. Pope, Jr. to the Attorney General’s Office under RCW 42.17.400(4). The
21 letter was sent to the Commission by the AGO for investigation. Copies of the letter had
22 also been provided by Mr. Pope to the PDC and local government attorneys. The letter was
23 received by the PDC on September 28, 2005. The letter alleged that the Respondent¹

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26 ¹ The letter also contained allegations concerning Citizens for a Healthy Economy (CHE)
and those are addressed in PDC Case No. 06-251.

1 violated RCW 42.17.080 and .090 by failing to timely file reports of contributions and
2 expenditures during the 2005 election cycle.

3 PDC Staff submitted to the Commission the Notice of Administrative Charges dated
4 October 20, 2005 and the Report of Investigation dated October 20, 2005 (with exhibits).
5 PDC staff also submitted a memorandum dated October 20, 2005 summarizing penalties
6 assessed in comparable cases. The parties submitted to the Commission a Stipulation as to
7 Facts and Violations (Stipulation) dated October 27, 2005. The parties also made oral
8 presentations to the Commission.

9 Following consideration of the written and oral submissions, the Commission voted
10 5-0 to accept the Stipulation and voted 5-0 to impose a civil penalty as follows.

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12 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

13 Based upon the Stipulation which is hereby incorporated by reference as to the
14 findings of stipulated facts and conclusions of violations of law, the Commission finds:

15 The Respondent committed multiple violations of RCW 42.17.080 and .090 for
16 failing to timely and accurately file reports of contributions and expenditures on the dates
17 provided in the Stipulation.

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19 **II. ORDER**

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

- 21 1. The Stipulation is accepted; and
22 2. The Respondent is assessed a civil penalty of \$2500 with \$500 suspended if
23 there are no further violations of RCW 42.17 from the date of the hearing through 2009.

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1 parties within **30 days** of the date that the Public Disclosure Commission serves this final
2 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency
3 shall be by delivery of a copy of the petition to the office of the director, or other chief
4 administrative officer or chairperson of the agency, at the principal office of the agency.
5 Service of a copy by mail upon the other parties of record and the office of the attorney
6 general shall be deemed complete upon deposit in the United States mail, as evidenced by
7 the postmark."
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9 If reconsideration is properly sought, the petition for judicial review must be served
10 on the Public Disclosure Commission and any other parties within thirty (30) days after the
11 Commission acts on the petition for reconsideration.
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13 ENFORCEMENT OF FINAL ORDERS

14 The Commission will seek to enforce this final order in superior court under RCW
15 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid
16 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
17 will be taken without further order by the Commission.
18

19 The Executive Director is authorized to enter this order on behalf of the Commission.
20

21 DATED THIS 16th day of November 2005.

22 FOR THE COMMISSION:

23 Vicki Rippie

24 VICKI RIPPIE, Executive Director

25 Attachment: Stipulation as to Facts and Violations dated October 27, 2005
26

1 *Date of mailing:*

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5 *Copies mailed to:*

6 Patricia Davis, Respondent

7 Suzanne Thomas, for Respondent

8 Linda Dalton, Senior Assistant Attorney General, for PDC Staff

9 Nancy Krier, Senior Counsel, for the Commission

10 Honorable Robert M. McKenna, Attorney General

11 Honorable Norman K. Maleng, King County Prosecuting Attorney

12 Honorable Edward G. Holm, Thurston County Prosecuting Attorney

13 Richard L. Pope, Jr.

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

In the Matter of Enforcement Action
Against
Patricia Davis,

Respondent.

NO. 06-250

STIPULATION AS TO FACTS AND
VIOLATIONS

The parties hereto, the Public Disclosure Commission Staff, appearing through its attorney of record, LINDA A. DALTON, Senior Assistant Attorney General, and the Respondent, PATRICIA DAVIS, appearing through her attorney of record, SUZANNE THOMAS, and submit this Stipulation as to Facts and Violations in this matter.

I. JURISDICTION

1. The Public Disclosure 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.

II. FACTS

- 2. Patricia Davis is a candidate for Port of Seattle Commissioner. The election is scheduled to take place on November 8, 2005.
- 3. Ms. Davis selected the full reporting option which requires frequent and detailed reports of contribution and expenditure activities.
- 4. The primary election for the relevant election period was held on September 20, 2005.

1 • Late Filings

- 2 5. For her 2005 campaign, Ms. Davis had a paid campaign Treasurer, Denton Kiehle.
- 3 6. Mr. Kiehle had various personal and professional challenges that interfered with his ability
- 4 to timely file various reports.
- 5 7. With regard to late filings in March and April, 2005, Mr. Kiehle stated that the campaign
- 6 did not intend to conceal information in the reports, but that due to attention that he was
- 7 giving to his own federal tax issues, he neglected Ms. Davis' filings as a result.
- 8 8. With regard to late filings for the August/September filings, Mr. Kiehle explained that his
- 9 business had suffered from a flood which impacted his computer system and backup
- 10 information. Mr. Kiehle stated that he did not notify Ms. Davis in a timely way that he
- 11 needed help in complying with disclosure violations. He stated that he did not bring the
- 12 issue of the flood to Ms. Davis' attention until the later part of September, even though he
- 13 says the flood occurred on August 23, 2005.
- 14 9. Mr. Kiehle stated that he did not communicate any concerns to Ms. Davis about PDC
- 15 compliance. Ms. Davis was not aware of the late filings until she received a copy of the
- 16 citizen complaint letter.
- 17 10. Mr. Kiehle resigned as Treasurer on or about September 29, 2005 and Ms. Davis hired a
- 18 new Treasurer.
- 19 11. The following is a summary of Ms. Davis' required reports that were not timely filed, the
- 20 date they were due, the date they were filed, the number of days they were late, and the
- 21 amount of money not reported timely:

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Report Title	Due Date	Date Filed	Days Late	Amount of Contributions and/or Expenditures
21-day Pre-PrimaryC-4	8/30/05	9/18/05	19	(C) \$24,080 (E) \$19,537

21-day Pre-Primary C-4 AMENDED	8/30/05	9/29/05	30	(E) \$1,179
7-day Pre-Primary C-4	9/13/05	9/18/05	5	(C) \$9,300
7-day Pre-Primary C-4 AMENDED	9/13/05	9/29/05	16	(C) \$3,250 (E) \$43,069
C-3 Report	2/10/05	4/11/05	60	(C) \$12,000
C-3 Report	3/10/05	4/11/05	32	(C) 16,700

12. The late filed reports totaled \$65,330 in contributions received and \$63,785 in expenditures incurred.

13. Ms. Davis cooperated fully with PDC staff during the investigation of the Complaint.

III. VIOLATIONS

The parties hereto stipulate to the following violations:

1. Patricia Davis committed multiple violations of RCW 42.17.080 and .090 for failing to timely and accurately file reports of contributions and expenditures as outlined in the dates above.

STIPULATED TO AND DATED this 27th day of October, 2005.

Vicki Rippie

VICKI RIPPIE, Executive Director
Public Disclosure Commission

PATRICIA DAVIS
Candidate, Port of Seattle Commissioner

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21-day Pre-Primary C-4 AMENDED	8/30/05	9/29/05	30	(E) \$1,179
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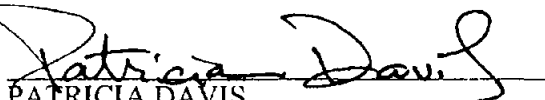
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- 1. Patricia Davis committed multiple violations of RCW 42.17.080 and .090 for failing to timely and accurately file reports of contributions and expenditures as outlined in the dates above.

STIPULATED TO AND DATED this 27th day of October, 2005.

VICKI RIPPIE, Executive Director
Public Disclosure Commission


PATRICIA DAVIS
Candidate, Port of Seattle Commissioner

ACKNOWLEDGMENT

Ms. Davis wishes to acknowledge her commitment to the letter and spirit of the public disclosure laws and regulations. Her intent has been, and remains, to comply with such provisions. Ms. Davis willingly re-acknowledges her compliance obligations..

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