

State of Washington
PUBLIC DISCLOSURE COMMISSION
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MINUTES – Special Meeting

9:30 a.m. | September 19, 2019
Evergreen Plaza Building, Room 206
711 Capitol Way
Olympia, Washington

Commission Members Present

Bill Downing, member, presided over the hearing; Anne Levinson, Chair; David Ammons, Vice-Chair; Russell Lehman, member.

Absent

Fred Jarrett, member.

Staff Present

Peter Lavallee, Executive Director; BG Sandahl, Deputy Director; Kim Bradford, Communications and Outreach Director; Sean Flynn, General Counsel; Jana Greer, Administrative Officer; Phil Stutzman, Compliance Officer; John Meader, Assistant Attorney General representing the Commission; and Chad Standifer, Assistant Attorney General representing PDC Staff.

The special meeting of the Public Disclosure Commission (PDC) was called to order by Commission Chair Anne Levinson at 9:30 a.m.

Public Comments | [PDC Meeting Video](#)

No Public Comment was made.

Enforcement Hearing | [PDC Meeting Video](#)

Commissioner Bill Downing presided over the hearings.

PDC Case No. 6365 Darrel Dickson | [PDC Meeting Video](#)

Alleged violation of [RCW 42.17A.405\(14\)](#) and [.240](#) Accepting over-limit in-kind contributions; Failing to report in-kind contributions.

Mark Lamb, attorney for Darrel Dickson, participated via telephone. Darrel Dickson did not participate in the hearing.

Chad Standifer, AAG, presented to the Commission the proposed Stipulation as to Facts, Violation, and Penalty agreed to by the Respondent and PDC Staff.

Based on the proposed Stipulation, Mr. Dickson agreed to pay a total civil penalty of \$4,000 with \$2,000 suspended on the following conditions:

That the Respondent is not found to have committed any further violations of RCW

42.17A or WAC 390 within four years of the date of the final order in this matter. The suspended penalty shall not be assessed based upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.

That the Respondent is in compliance with all reporting requirements.

That the non-suspended portion of the penalty (\$2,000) is paid within thirty days of the date of the final order in this matter.

Staff recommended the Commission accept the Stipulation as proposed.

Commissioner Ammons suggested amendments to the proposed language:

- page four of the Stipulation, penalty provision 1a would read, “The suspended penalty shall not be assessed based solely upon...”
- add the language referencing if the Respondent fails to comply with any of the conditions of this order, the suspended portion of the penalty will be reinstated immediately without further action by the Commission.

MOTION 19-056 Moved by Commissioner Ammons, seconded by Commissioner Lehman, that:
The Commission find that the Respondent is now in compliance with [RCW 42.17A](#), [WAC 390](#), and accept the Stipulation as to Facts, Violation, and Penalties with amendments as discussed.

The motion passed 4-0.

[PDC Case No. 6333](#) Karen Jensen & Citizens for a Better Enumclaw - Alleged violations of [RCW 42.17A.240](#) Failure to report in-kind contributions; and [.405\(2\)](#) Making over-limit in-kind contributions | [PDC Meeting Video](#)

Karen Jensen, Respondent, and John White, Counsel for Karen Jensen, were present at the hearing.

Conner Edwards, Witness, was present and participated in the hearing.

Commissioner Downing, acting as presiding officer, distributed his Order on Motions in Limine. [Meeting video](#)

Commissioner Downing denied the motion for Summary Judgment.

A proposed partial Stipulation as to Facts, Violations and Penalty was submitted to the Commission for consideration. Commissioner Downing accepted the partial Stipulation as presented.

Both parties offered opening statements and witness testimony [PDC Meeting Video](#).

Chad Standifer, AAG, presented additional facts for the Commission’s consideration. Counsel for the Staff asked that all exhibits be admitted. Counsel for the Respondent concurred.

Commissioner Downing ruled that all exhibits would be admitted, unless specific objections were raised.

John White, Counsel for the Respondent, presented additional facts for the Commission's consideration.

Executive Session

The Commission went into Executive Session at 12:25 p.m. to discuss matters allowed in Executive Session pursuant to [RCW 42.30.110](#), including but not limited to discussion of enforcement matters, pending and potential litigation with legal counsel, and review of performance of public employees.

The Commission meeting returned to open session at 1:20 p.m. [PDC Meeting Video](#)

The enforcement hearing resumed.

Chad Standifer, AAG, presented additional facts and closing argument for the Commission's consideration.

John White, Counsel for Respondent, presented additional facts and closing argument for the Commission's consideration.

The Commission went into deliberation at 2:18 pm and returned to the hearing at 2:32 pm.

Commissioner Downing reviewed the Commission's findings in the matter. ([PDC Meeting Video of Motion](#))

MOTION 19-057 Moved by Commissioner Lehman, seconded by Commissioner Ammons, that:
The Commission finds that the Respondent violated RCW 42.17A.405 and .240 and assesses a fine of \$2,000 with \$1,000 suspended conditioned upon no further violation of RCW 42.17A and WAC 390 within four years of the date of the Final Order. The suspended portion shall not be assessed based solely on any remediable violation, minor violation or error classified by the Commission as appropriate to address by a technical correction. The Commission finds the Respondent is in compliance with all reporting requirements. The non-suspended portion must be paid within 30 days of the date of the Final Order.

If the Respondent fails to comply with any portion of this order, the suspended portion will be reinstated, and the full amount of penalty will be due, without further action by the Commission.

The motion passed 4-0.

Meeting adjourned at 3:45 p.m.

Minutes Approved December 5, 2019.