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2  
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
4 **OF THE STATE OF WASHINGTON**

5 In the Matter of Enforcement Action Against:	PDC CASE NO. 10-059
6 Robert Schiffner and 2009 Robert Schiffner	FINAL ORDER
7 Campaign	
8 Respondents.	

9  
10 This matter came before the Washington State Public Disclosure Commission on  
11 May 27, 2010 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington.  
12 Those present included Jim Clements, Commission Chair; David Seabrook, Vice Chair;  
13 Jane Noland, Member; and Jennifer Joly, Member. Also present were PDC Interim  
14 Executive Director Doug Ellis; PDC Director of Compliance Phil Stutzman; Robert  
15 Schiffner, on behalf of himself and his campaign (“Respondent”); and Nancy Krier,  
16 General Counsel for the Commission. PDC staff member Jana Greer was present to record  
17 the proceeding. The proceeding was open to the public.  
18

19 The Respondent was a 2009 candidate for Grant County Prosecutor. This matter  
20 resulted from a complaint alleging violations by the Respondent of RCW 42.17.080 and  
21 42.17.090 by failing to timely report the receipt of monetary and in-kind contributions, and  
22 the monetary expenditures of Respondent’s 2009 campaign, and alleged violations by  
23 Respondent of RCW 42.17.530(1)(b) concerning false political advertising.  
24

25 PDC Staff submitted to the Commission a cover memo from Mr. Stutzman dated  
26 May 19, 2010; a Notice of Administrative Charges dated May 14, 2010; a Report of  
Investigation dated May 11, 2010 (with exhibits); and a spreadsheet summarizing penalties

1 assessed in comparable cases. Mr. Stutzman also provided a memorandum dated May 25,  
2 2010, requesting dismissal of the alleged violation of RCW 42.17.530(1)(b). The parties  
3 submitted to the Commission a proposed Stipulation as to Facts, Violations and Penalty  
4 (Stipulation) dated May 19, 2010.  
5

6 Mr. Stutzman summarized the proposed Stipulation and the staff recommendation to  
7 accept the Stipulation. Mr. Schiffner addressed the Commission.

8 The Commission voted 4-0 to accept the Stipulation and to dismiss the alleged  
9 violation of RCW 42.17.530(1)(b).  
10

### 11 I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

12 Based upon the Stipulation, Stipulation hereby attached and incorporated by  
13 reference, the Commission finds:

14 1. The Jurisdiction, Facts, Violations and Penalty are established as provided in  
15 the Stipulation.

16 2. The Respondent committed multiple violations of RCW 42.17.080 and  
17 RCW 42.17.090.

18 3. Based upon the record, the alleged violation of RCW 42.17.530(1)(b) should  
19 be dismissed and the Respondent should be issued a warning letter by PDC staff concerning  
20 the statute and WAC 390-18-040(6).

### 21 II. ORDER

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

23 1. The Stipulation is accepted.

24 2. The Respondent is assessed a civil penalty of \$4,200.

25 3. The alleged violation of RCW 42.17.530(1)(b) is dismissed. PDC staff shall  
26 provide the Respondent a warning letter concerning the statute and WAC 390-18-040(6).

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### III. APPEALS

#### RECONSIDERATION OF FINAL ORDER - COMMISSION

Any party may ask the Commission to reconsider this final order. Parties must place their requests for reconsideration in writing, include the specific grounds or reasons for the request, and deliver the request to the Public Disclosure Commission Office within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished on the date of mailing by U.S. mail if the order is mailed, or the date of personal service if personal service is made. RCW 34.05.010(19). The Commission orders are generally mailed via U.S. mail.

Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have denied the petition for reconsideration if, within twenty (20) business days from the date the petition is filed, the Commission does not either dispose of the petition, or serve the parties with written notice specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court.

#### FURTHER APPEAL RIGHTS – SUPERIOR COURT

Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston County or the petitioner's county of residence or principal place of business. The petition for judicial review must be served on the Public Disclosure Commission and any other

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."  
8

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.  
12

#### 13 **IV. ENFORCEMENT OF FINAL ORDERS**

14 The Commission may 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  
20 Commission.  
21

22 DATED THIS 9<sup>th</sup> day of June, 2010.  
23

24 WASHINGTON STATE PUBLIC  
25 DISCLOSURE COMMISSION

26 FOR THE COMMISSION:



DOUG ELLIS  
Interim Executive Director

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*Attachment:* Stipulation as to Facts, Violations and Penalty dated May 19, 2010

*Date of mailing:*

*Anna J. Lee*      *6/8/10*

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*Copy of Final Order mailed to:*  
Robert Schiffner  
2009 Robert Schiffner Campaign  
P.O. Box 776  
Moses Lake, WA 98837

**RECEIVED**

MAY 19 2010

Public Disclosure Commission

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

In the Matter of Enforcement Action  
Against

Robert Schiffner and 2009 Robert  
Schiffner Campaign

Respondents.

Case No. 10-059

STIPULATION AS TO FACTS,  
VIOLATIONS AND PENALTY

The parties hereto, the Public Disclosure Commission Staff, by and through its Interim Executive Director, DOUG ELLIS, and the Respondent, ROBERT SCHIFFNER and 2009 ROBERT SCHIFFNER CAMPAIGN, submit this Stipulation as to Facts, Violations and Penalty in this matter.

**JURISDICTION**

1. The Public Disclosure Commission has jurisdiction over this proceeding pursuant to Washington's campaign finance disclosure law (the Act), Chapter 42.17 RCW; the Administrative Procedure Act, Chapter 34.05 RCW; and Title 390 WAC.

**FACTS**

2. Robert Schiffner was a 2009 candidate for Grant County Prosecuting Attorney. He filed a Candidate Registration (PDC form C-1) on May 20, 2009, choosing the Full Reporting option and naming Kathy Chamberlain as Treasurer.
3. Mr. Schiffner lost in the August 18, 2009 primary election to Albert Lin, and the incumbent Prosecuting Attorney, D. Angus Lee.
4. During his 2009 campaign for Grant County Prosecuting Attorney, Mr. Schiffner did not file any C-3 or C-4 reports showing contributions received or expenditures made for his

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MAY 19 2010

campaign. All C-3 and C-4 reports were filed subsequent to the primary election, following receipt of complaints filed by Scott MacDonald and D. Angus Lee.

Public Disclosure Commission

5. **RCW 42.17.080 and .090** require candidates to file timely, accurate reports of contribution and expenditure activities undertaken by their campaigns, including monetary and in-kind contributions, and expenditures.

**Failure to Timely File C-3 Reports of Contributions (RCW 42.17.080 and .090)**

6. On February 16, 2010, the Schiffner campaign filed C-3 reports disclosing monetary contributions totaling \$9,150. On April 27, 2010, the campaign filed an additional C-3 showing a \$30,000 contribution in the form of a loan from Mr. Schiffner made on May 1, 2009. The contributions were reported from 197 to 321 days late.

**Failure to Timely File C-4 Reports of Contributions and Expenditures (RCW 42.17.080 and .090)**

7. On February 16, 2010, the Schiffner campaign filed C-4 reports, and listed expenditures totaling \$36,119.03 on Schedule A. A review of vendor invoices showed additional expenditures not included on Schedule A reports totaling \$2,084.11. Thus, it appears campaign expenditures totaled \$38,203.14.
8. Expenditures were made for campaign signs, newspaper and magazine advertising, radio and TV ads, T-Shirts, and brochures for mailing.
9. All C-4 reports, disclosing expenditures totaling \$36,119.03, and C-3 reports totaling \$9,150, were filed 182 days after the primary election on February 16, 2010. A C-3 for \$30,000 was filed on April 27, 2010, 252 days after the primary election.

**VIOLATIONS**

1. Robert Schiffner and the 2009 Robert Schiffner campaign for Grant County Prosecuting Attorney committed multiple violations of RCW 42.17.080 and 42.17.090 as follows:
  - a. By failing to timely report the receipt of monetary contributions on PDC form C-3 (Cash Receipts Monetary Contributions reports) totaling \$39,150;

- b. By failing to timely report monetary expenditures on Schedule A to PDC form C-4 totaling \$38,203.14, and to separately report the expenditures that were in-kind contributions on Schedule B to C-4.
- 2. Mr. Schiffner acknowledges that he missed the appropriate deadlines in reporting his campaign's contributions and expenditures and states the oversight is completely his fault. He states that this failure was due in part to switching treasurers in the middle of the campaign. He states it took him sometime to locate someone with PDC experience.

**PENALTY**

- 1. Based upon the stipulated facts and the agreement regarding the violations set forth above, the Respondent agrees that a total civil penalty of \$4,200 be assessed.
- 2. The Respondent affirms his intention to comply in good faith with the provisions of RCW 42.17 in all future election campaigns.

  
 DOUG ELLIS, Interim Executive Director  
 Public Disclosure Commission

5-19-10  
 Date Signed

  
 ROBERT SCHIFFNER  
 2009 ROBERT SCHIFFNER CAMPAIGN

5/18/10  
 Date Signed

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MAY 19 2010

Public Disclosure Commission

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**Robert E. Schiffner**  
Attorney at Law

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MAY 26 2010

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P.O. Box 776 ❖ Moses Lake, WA 98837  
Phone (509) 750-2212

Public Disclosure Commission

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May 21, 2010

Philip E. Stutzman  
Director of Compliance  
Public Disclosure Commission  
711 Capitol Way Rm 206  
Olympia, WA 98504-0908

Re: Complaint filed by Scott MacDonald - PDC Case No. 10-059

Dear Mr. Stutzman:

Please find enclosed the original Stipulation in this matter.

Sincerely,



Robert Schiffner

MAY 26 2010

Public Disclosure Commission

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\_\_\_\_\_  
DOUG ELLIS, Interim Executive Director  
Public Disclosure Commission

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Date Signed

*Robert Schiffner*  
\_\_\_\_\_  
ROBERT SCHIFFNER  
2009 ROBERT SCHIFFNER CAMPAIGN

*5/18/10*  
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Date Signed