



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

BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

RENTON FOR KCLS NOW
4420 SE 4TH STREET
RENTON WA 98059

In Re the Matter of ) PDC Case No. 10-061
Renton for KCLS NOW ) Findings of Fact,
) Conclusions of Law and
Respondent. ) Order Imposing Fine

A brief enforcement hearing (brief adjudicative proceeding) was held May 26, 2010, in Room 206, Evergreen Plaza Building, Olympia, Washington to consider whether the Respondent violated RCW 42.17.090 by failing to timely disclose expenditures undertaken by the committee in support of a February 9, 2010, local ballot proposition.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Jim Clements was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. Michael O'Halloran participated in the hearing in person and presented testimony to the Presiding Officer.

Brief enforcement hearing notice was sent to Mr. O'Halloran on May 12, 2010. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

- 1. On February 4, 2009, the Renton City Council voted to place Proposition #1 on the February 9, 2010, special election ballot. Proposition #1, if approved by City of Renton voters, would annex the City of Renton libraries into the King County Library System (KCLS).
2. The Respondent is a one-time political committee that was formed solely to support Proposition #1. The Respondent filed a Committee Registration (PDC Form C-1pc), on December 29, 2009, declaring the formation of a political committee in support of Renton Proposition #1, and selecting the Full Reporting option.

"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)



3. Under the full reporting option, political committees supporting a ballot proposition on the February 9, 2010, special election ballot were required to file a 21-day pre-election Campaign Summary Receipts and Expenditures Report (PDC Form C-4) and all attached schedules on January 19, 2010, covering the period of December 29, 2009 through January 18, 2010.
4. The Respondent timely filed the 21-day pre-election C-4 report on January 19, 2010, the required due date, listing \$5,800 in contributions received and \$5,773.13 in expenditures. The Respondent failed to include a Schedule A attachment to the C-4 report detailing the expenditures made during the reporting period.
5. The Respondent filed an amended 21-day pre-election C-4 on March 5, 2010, 24 days after the February 9, 2010, special election was held. The amended C-4 report included an attached Schedule A disclosing the committee had made two expenditures during the reporting period totaling \$5,773. The Schedule A to C-4 report disclosed a \$4,708 expenditure made on January 16, 2010 to Witham and Dickey, Inc. for campaign literature, and a \$1,065 expenditure also made on January 16, 2010, to Chadwick Consulting for labels, lists, and consulting. The two expenditures were disclosed 44 days late.
6. Mr. O'Halloran, committee treasurer for Renton for KCLS NOW, took responsibility and apologized for failing to include the Schedule A to C-4 report as an attachment. He said that he was a first-time treasurer, and that Renton for KCLS NOW was a one-time committee.

#### CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17.090 by failing to timely report two monetary expenditures.

#### ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$500, of which \$400 is suspended without conditions. The \$100 non-suspended portion of the penalty is required to be paid within 60 days of the date of the order.**

This is an **Initial Order** of the Public Disclosure Commission. There are two ways the Respondent may appeal this order to the Commission. Once the order becomes a final order, it may also be appealed to Superior Court.

#### REVIEW OF INITIAL ORDER - COMMISSION

- a. The Respondent may request a review of this Initial Order by the entire Commission.

- b. The request may be made orally or in writing, and must be received at the Public Disclosure Commission office within **21 business days** after the postmark date of this Initial Order. The Respondent must state the reason for the review, and identify what alleged errors are contained in the initial order.
- c. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.
- d. By law, a request for review of the initial order is deemed to have been denied if the Commission does not make a disposition of the matter within 20 business days after the request is submitted.
- e. If the Commission is unable to schedule a meeting to consider the Respondent's request for review within 20 business days, the Initial Order becomes a Final Order and the matter will automatically be treated as a request for reconsideration of a final order unless the Respondent advises the Commission otherwise. The matter will be scheduled before the full Commission as soon as practicable.
- f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 business days, the request must now be put in writing. (See Reconsideration of Final Order below.)
- g. If no request for review is received within 21 business days, this order will automatically become a **Final Order** of the Commission, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 42.17.395, RCW 34.05.470 and RCW 34.05.570).

#### **RECONSIDERATION OF FINAL ORDER - COMMISSION**

- a. Any party may ask the Commission to reconsider a final order. The request must be in writing and must include the specific grounds or reasons for the request. Grounds for reconsideration shall be limited to:
  - i) A request for review was deemed denied in accordance with WAC 390-37-144(4);
  - ii) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation;  
or
  - iii) Significant typographical or ministerial errors in the order.
- b. The request must be delivered to the Public Disclosure Commission office within **21 business days** after the postmark date of this order.
- c. The Public Disclosure Commission is deemed to have denied the request for reconsideration if, within 20 business days from the date the request 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. (RCW 34.05.470).
- d. The Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court. (RCW 34.05.470).

**FURTHER APPEAL RIGHTS – SUPERIOR COURT**

- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this Final Order on the parties. (RCW 34.05.542(2)).
- c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

**ENFORCEMENT OF FINAL ORDERS**

- a. If there is no timely request for review or reconsideration, this Initial Order becomes a Final Order. The Respondent is legally obligated to pay any penalty assessed.
- b. The Commission will seek to enforce a final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

Entered this 10<sup>th</sup> day of June, 2010.

Public Disclosure Commission

  
Doug Ellis  
Interim Executive Director