

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

In the Matter of Enforcement Action
Against:

Central Puget Sound Regional Transit
Authority

Respondent.

Case No. 11-009

STIPULATION AS TO FACTS,
VIOLATIONS AND PENALTY

The parties hereto, the Public Disclosure Commission Staff, through its Interim Executive Director, Doug Ellis, and Respondent Central Puget Sound Regional Transit Authority, through its Deputy Chief Executive Officer, Celia Kupersmith, submit this Stipulation as to Facts, Violations and Penalty in this matter.

JURISDICTION

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.

FACTS

1. Respondent Central Puget Sound Regional Transit Authority (Sound Transit) was created in 1993 by approval of voters in King, Pierce and Snohomish counties. Sound Transit is governed by an 18 member board comprised of 17 local elected officials, including county executives, county council members, mayors, city council members, and the Secretary of the Washington State Department of Transportation.
2. Respondent filed twenty-one (21) L-5 reports on July 9, 2010, covering the period January 1, 2006 through March 31, 2010. The L-5 reports were due by the last day of the calendar month following the three-month calendar quarter covered by the report. The L-5 reports were filed between 52 days and more than four years late.

3. The late-filed L-5 reports disclosed reportable lobbying expenses totaling \$682,136. However, of this amount, \$516,000 represented payments for lobbying services previously reported in a timely manner by two contract lobbyists on their Monthly Lobbyist Expense Reports (PDC Form L-2) as payments received from Sound Transit.
4. The late-filed L-5 reports disclosed \$149,731 in previously un-reported expenses for time spent lobbying by Sound Transit employees, and \$16,405 in previously un-reported expenses for employee lobbying-related travel costs, during calendar years 2006 through 2009, and the first quarter of 2010.

LEGAL AUTHORITY

5. **RCW 42.17.020(31)** states: “ ‘Lobby’ and ‘lobbying’ each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW....”
6. **RCW 42.17.190(5)(a)-(c)** provides, in relevant part: “Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission . . . quarterly statements providing the following information for the quarter just completed:
 - (a) The name of the agency filing the statement;
 - (b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;
 - (c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

VIOLATIONS

Respondent committed multiple violations of RCW 42.17.190 by failing to timely file Reports of Lobbying by State and Local Government Agencies (PDC Form L-5), disclosing lobbying activities undertaken during calendar years 2006 through 2009, and the first quarter of 2010.

PENALTY

Based upon the stipulated facts and violations set forth above, Respondent agrees to pay a total civil penalty of \$15,000 with \$7,500 suspended on the following conditions:

1. Respondent is not found to have committed further violations of RCW 42.17 within four years from the date of the entry of the Commission's Final Order in this matter;
2. Payment of the non-suspended portion of the penalty (\$7,500) is made within 60 days from the date of entry of the Commission's Final Order in this matter.

Respondent affirms its intention to comply in good faith with the provisions of RCW 42.17 and the public agency lobbying reporting requirements in the future.



Doug Ellis, Interim Executive Director
Public Disclosure Commission

4-21-11
Date Signed



Celia Kupersmith,
Deputy Chief Executive Officer
Sound Transit

4-19-2011
Date Signed