



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Tony Moore Campaign
c/o Steve McNey
P.O. Box 295
Ravensdale, WA 98051

In Re the Matter of)	PDC Case No. 11-027
2010 William A. "Tony" Moore Campaign)	Findings of Fact,
)	Conclusions of Law and
Respondent.)	Order Imposing Fine
)	

A brief enforcement hearing (brief adjudicative proceeding) was held February 28, 2011, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the 2010 Tony Moore campaign violated RCW 42.17.080 and 42.17.090 by failing to timely disclose two in-kind contributions received from the Washington State Republican Party for campaign mailers, and 42.17.105 by failing to file "Last Minute Contribution" (LMC) reports within 48 hours of receiving in-kind contributions from the Washington State Republican Party for three campaign mailers.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Dave Seabrook was the Presiding Officer. The Commission staff was represented by Tony Perkins, Lead Political Finance Specialist. Campaign manager Steve McNey participated by telephone and presented testimony to the Presiding Officer on behalf of the 2010 Tony Moore Campaign.

A brief enforcement hearing notice was sent to the Moore campaign on February 18, 2011. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. Respondent 2010 Tony Moore Campaign filed a C-1 Candidate Registration on March 26, 2010, declaring Mr. Moore's candidacy for the office of State Senator for the 30th Legislative District in 2010, and selecting the Full Reporting option.
2. Under the Full Reporting option, candidates appearing on the 2010 primary election ballot were required to file a 7-day pre-primary election C-4 report due on August 10,

2010, covering the period July 26 through August 9, 2010, and a post-primary election C-4 report due on September 10, 2010, covering the period of August 10 – 31, 2010.

3. On its August 10, 2010 7-day pre-primary C-4 report, the Washington State Republican Party disclosed as a monetary expense an in-kind contribution to the 2010 Tony Moore campaign in the form of a mailing valued at \$6,004.25.
4. The in-kind contribution was due to be disclosed by the Respondent by that date as an in-kind contribution. The contribution was disclosed by the Respondent on October 25, 2010, 76 days late, and 69 days after the August 17, 2010 primary election.
5. On the Respondent's post-primary election C-4 report due on September 10, 2010, the Respondent was required to disclose an additional in-kind contribution from the Washington State Republican Party, in the form of a \$6,161.52 mailing sponsored on August 10, 2010. The Moore campaign did not include the contribution on that C-4 report.
6. The Respondent was also required to disclose the \$6,161.52 in-kind mailing within 48 hours of the date the contribution was received, as a large Last Minute Contribution (LMC). The Respondent did not file an LMC report for the contribution.
7. On October 25, 2010, the Respondent timely filed a 7-day pre-general election C-4 report disclosing two in-kind contributions of mailings valued at \$7,112.80 and \$7,630.26, sponsored by the Washington State Republican Party on October 14, 2010 and October 20, 2010, respectively.
8. The \$7,112.80 and \$7,630.26 in-kind contributions were originally due to be disclosed on Last Minute Contribution reports due on October 18, 2010 and October 22, 2010, respectively. The Respondent did not file an LMC report for either contribution.
9. On behalf of the Respondent, Steve McNey stated that the failure to timely disclose all in-kind contributions from the Washington State Republican Party was caused by the volunteer treasurer's confusion concerning what she assumed to be duplicate contribution notifications from the party. Mr. McNey stated that the treasurer did not file LMC reports because she was unaware of the filing requirement.

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 42.17.080 and 42.17.090 by failing to timely disclose in-kind contributions the campaign received from the Washington State Republican Party totaling \$12,165 for two campaign mailings.
3. The Respondent violated RCW 42.17.105 by failing to file special reports of three large Last Minute Contributions valued at \$20,904 from the Washington State Republican Party.

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 \$300, of which \$150 is suspended on the condition that no violations of RCW 42.17 are committed for the next four years from the date of the order. The Respondent shall pay the \$150 non-suspended portion of the penalty within 30 days.

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 may 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 9th day of March, 2011.

Public Disclosure Commission


Doug Ellis
Interim Executive Director