



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action
Against:

Chris Bowen and 2011 Chris Bowen
Campaign

Respondent.

PDC Case No. 11-045

Notice of Administrative Charges

IT IS ALLEGED as follows:

I. JURISDICTION

1. The 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. These charges incorporate the Report of Investigation and all of its exhibits by reference.

II. ALLEGATIONS

2. Staff alleges that Chris Bowen and the 2011 Chris Bowen campaign for Spokane City Council violated provisions of the state campaign finance disclosure laws during the 2011 primary election as follows:

Alleged Failure to File Timely and Complete Reports of Contributions and Expenditures (RCW 42.17.080 and .090)

- a. By failing to file a complete and accurate "Campaign Summary Receipts and Expenditures" report (PDC form C-4) for the period of March and April 2011, with appropriate schedules (Schedule A listing expenditures, and if applicable, Schedule B), and "Cash Receipts Monetary Contributions" reports (PDC form C-3) showing individual contributions received;

- b. By failing to file the 21-day pre-primary election C-4 report with appropriate supporting schedules;
- c. By failing to file the 7-day pre-primary election C-4 report with appropriate supporting schedules;
- d. By failing to file the post-primary election C-4 report with appropriate supporting schedules;

**Alleged Failure to Make Campaign Books and Records Available For Public Inspection
(RCW 42.17.080)**

- e. By failing to make the campaign books of account available for public inspection during the eight days before the August 16, 2011 primary election (August 8 – August 15, 2011).

III. FACTS SUPPORTING ALLEGATIONS

- 3. Chris Bowen was a candidate for Spokane City Council, District 1, in the August 16, 2011 2011 Primary election. Mr. Bowen was defeated and will not appear on the November 8, 2011 general election ballot. On March 22, 2011, Mr. Bowen filed a Candidate Registration (PDC form C-1) and a Personal Financial Affairs Statement (PDC form F-1). He selected the full reporting option on the C-1, indicating that he would file the frequent, detailed reports required by law.
- 4. On his C-1, Mr. Bowen listed “N/A” for treasurer and committee officers. He listed his campaign bank as Numerica, at the Downtown Spokane branch. He provided a telephone number but no address for inspection of his campaign accounts during the public inspection period.
- 5. On May 27, 2011, Mr. Bowen filed an amended C-1. He listed “N/A or none” for treasurer and committee officers. He listed his campaign bank as Numerica, at the North Spokane

branch. He provided an address of 4650 North Division (North Mall Food Court) for inspection of his campaign accounts during the public inspection period.

Alleged Failure to File Timely and Complete Reports of Contributions and Expenditures (RCW 42.17.080 and .090)

6. Mr. Bowen failed to file a complete and accurate "Campaign Summary Receipts and Expenditures" report (PDC form C-4) for the period March and April 2011. On May 16, 2011, Mr. Bowen attempted to file a C-4 report by facsimile, showing a beginning cash-on-hand balance of \$24,348.50 and total cash expenditures of \$4,127.32. He refused to provide an explanation of the beginning cash-on-hand balance or the required information for the cash expenditures on Schedule A.
7. On May 27, 2011, Mr. Bowen filed a C-4 report for the period March 14, 2011 to April 30, 2011. The report showed a beginning cash-on-hand balance of zero and total cash expenditures of \$4,127.32. He refused to provide an explanation of why the beginning cash-on-hand balance dropped from \$24,348.50 on the report he attempted to file by facsimile or the required information for the cash expenditures on Schedule A. The complainant stated in his May 12, 2011 complaint that Mr. Bowen's campaign had placed campaign signs in the Spokane area for the past six weeks.
8. On May 27, 2011, Mr. Bowen filed a C-3 report that stated "*N/A or none*" for monetary contributions received. Mr. Bowen did not file any additional C-3 or C-4 reports for the campaign.

Alleged Failure to Make Campaign Books and Records Available For Public Inspection (RCW 42.17.080)

9. Mr. Bowen failed to make his campaign books of account available for public inspection during the eight days before the August 16, 2011 primary election (August 8 – August 15, 2011). Campaign books were required to be available for public inspection, by appointment, between the hours of 8:00 a.m. and 8:00 p.m. during the eight days of the public inspection period.

10. During the week of August 8, 2011 to August 15, 2011, Jonathan Brunt, a reporter for the Spokesman Review in Spokane, attempted to view the records of Mr. Bowen. Mr. Bowen refused. He stated that all appointments had been filled for the primary election. PDC staff told Mr. Bowen that he was required to make and keep appointments to inspect his campaign accounts during the public inspection period. Mr. Bowen again told Mr. Brunt that his appointments were completely booked and it would be too difficult to show his books to multiple people at the same time.

IV. RELEVANT LAW

11. **RCW 42.17.080 and 090** require candidates to file timely, accurate reports of contributions and expenditures, including in-kind contributions. Under the full reporting option, until five months before the general election, C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report. C-4 reports are also required 21 and 7 days before each election, and in the month following the election, regardless of the level of activity. Contribution deposits made during this same time period must be disclosed on the Monday following the date of deposit.
12. **RCW 42.17.080(4)** states, "The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection."

RESPECTFULLY SUBMITTED this 2nd day of September, 2011.

Philip Stutzman (RP)

Philip E. Stutzman
Director of Compliance