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

In the Matter of Enforcement Action Against:  
Mike Hope and 100 Ideas Washington State,  
Respondent.

PDC CASE NO. 12-001  
ORDER OF DISMISSAL

This matter came before the Washington State Public Disclosure Commission on August 25, 2011 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Barry Sehlin, Commission Chair; Jennifer Joly, Vice Chair; Jim Clements, Member; and Dave Seabrook, Member. Also present were PDC Director of Compliance Phil Stutzman; PDC Interim Executive Director Doug Ellis; and Nancy Krier, General Counsel for the Commission. Respondent Mike Hope and 100 Ideas Washington State were not present, but were notified of the proceeding. The proceeding was open to the public and was recorded.

This case concerns allegations that Mike Hope and 100 Ideas Washington State violated RCW 42.17.040, 42.17.080, 42.17.090, and 42.17.200; and that Mike Hope violated RCW 42.17.640 (through 100 Ideas Washington State), 42.17.710, and 42.17.241. The allegations were made in a complaint filed by William Ferrell (complainant) with the Commission on April 8, 2011, and in a "45-day citizen action" complaint (citizen action letter) submitted by Mr. Ferrell on June 30, 2011 to the Washington State Attorney General and to the Snohomish County Prosecutor in accordance with RCW 42.17.400(4). The letter incorporated the allegations from the complaint previously filed with the Commission.

1 The Commission was provided with a Report of Investigation dated August 18,  
2 2011 (with exhibits), and a written Executive Summary and PDC Staff Analysis  
3 recommending dismissal of the complainant's allegations. Mr. Stutzman also made an oral  
4 presentation to the Commission providing the staff recommendation for dismissal. The  
5 Commission hereby enters the following Findings of Fact, Conclusions of Law, and Order.  
6

7 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

8 1. The Commission has jurisdiction over this proceeding pursuant to Chapter  
9 42.17 RCW.

10 2. RCW 42.17.020(39) defines a "political committee" as "any person (except  
11 a candidate or an individual dealing with his or her own funds or property) having the  
12 expectation of receiving contributions or making expenditures in support of, or opposition  
13 to, any candidate or any ballot proposition."

14 3. PDC Interpretation 07-02, *Primary Purpose Test Guidelines*, distills relevant  
15 case law and other legal guidance (AGO 1973 No. 14, *State v. Dan Evans Committee*, and  
16 *Evergreen Freedom Foundation v. Washington Education Association*) concerning the  
17 definition of "political committee" in RCW 42.17.020(39). As discussed in the  
18 Interpretation, a person is a political committee if that person becomes a "receiver of  
19 contributions" for electoral political activity, or if the person's expenditures for electoral  
20 political activity make such activity one of the person's primary purposes.

21 4. RCW 42.17.040 requires every political committee to timely register with  
22 the Commission.

23 5. RCW 42.17.080 and .090 require political committees to file timely,  
24 accurate reports of contributions and expenditures.

25 6. RCW 42.17.640 limits contributions to candidates for county-wide office.  
26 The current limits for individuals, unions, corporations, political committees and all other  
entities (other than a bona fide political party committee or legislative caucus committee) is

1 \$800 for each election in which the candidate is on the ballot or appears as a write-in  
2 candidate.

3 7. RCW 42.17.710 prohibits a state official, or a person employed by or acting  
4 on behalf of a state official or state legislator, from soliciting or accepting a contribution to  
5 a candidate or a candidate's authorized committee during the period beginning on the  
6 thirtieth day before the beginning of a regular legislative session, continuing through the  
7 date of final adjournment, and for the duration of a special legislative session.

8 8. RCW 42.17.200 requires any person who has made expenditures not  
9 reported by a registered lobbyist, candidate, or political committee that exceed one  
10 thousand dollars in the aggregate within any three-month period, or that exceed five  
11 hundred dollars in the aggregate within any one-month period, in presenting a program  
12 addressed to the public, a substantial portion of which is intended, designed, or calculated  
13 primarily to influence legislation, to register and report as a sponsor of a grass roots  
14 lobbying campaign.

15 9. RCW 42.17.241 requires officials to disclose in their annual Personal  
16 Financial Affairs Statement each occasion at which items specified in RCW  
17 42.52.010(10)(d) were accepted, specifying the date, donor, and amount accepted.

18 10. RCW 42.52.010(10)(d) lists "[p]ayments by a governmental or  
19 nongovernmental entity of reasonable expenses incurred in connection with a speech,  
20 presentation, appearance, or trade mission made in an official capacity."

21 11. Respondent Mike Hope is a 2011 candidate for Snohomish County  
22 Executive. He is also the Executive Director of 100 Ideas Washington State, and was a co-  
23 chair of Citizens for the Lakewood Law Enforcement Memorial Act, a political committee  
24 organized to campaign for voter approval of Engrossed Senate House Joint Resolution  
25 (ESHJR) 4220, an amendment to the Washington State Constitution on the November 2,  
26 2010 general election ballot.



1 The Executive Director is authorized to enter this order on behalf of the  
2 Commission.

3 So ORDERED this 9th day of September, 2011.

4 WASHINGTON STATE PUBLIC  
5 DISCLOSURE COMMISSION

6 FOR THE COMMISSION:



7 DOUG ELLIS  
8 Interim Executive Director

9 *Copy of appeal rights attached.*

10 *Copy of this Order of Dismissal to:*

11 Mike Hope  
12 8712 26<sup>TH</sup> PL NE  
13 LAKE STEVENS WA 98258

14 I, Jana Y Greer, certify that I mailed a copy of this order to the  
15 Respondent at its respective address, postage prepaid, on the date stated herein.

16 Jana Y Greer  
17 Signature

9/9/11  
Date

## **APPEALS FROM FINAL ORDERS**

### **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 parties within 30 days of the date that the Public Disclosure Commission serves this final order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency shall be by delivery of a copy of the petition to the office of the director, or other chief administrative officer or chairperson of the agency, at the principal office of the agency. Service of a copy by mail upon the other parties of record and the office of the attorney general shall be deemed complete upon deposit in the United States mail, as evidenced by the postmark."

If reconsideration is properly sought, the petition for judicial review must be served on the Public Disclosure Commission and any other parties within thirty (30) days after the Commission acts on the petition for reconsideration.

### **ENFORCEMENT OF FINAL ORDERS**

The Commission may seek to enforce this 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 filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.