



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

New Americans for Accountable Government  
4409 – 138<sup>th</sup> Avenue S.E.  
Bellevue, WA 98006-2205

In Re Compliance with RCW 42.17

New Americans for Accountable  
Government

Respondent.

PDC Case No. 12-109

Findings of Fact,  
Conclusions of Law, and  
**Order Imposing Fine**

A brief enforcement hearing (brief adjudicative proceeding) was held January 18, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether New Americans for Accountable Government violated: (1) RCW 42.17.080 and 42.17.090 by failing to timely file a 2010 Post-General Election Campaign Summary Receipts & Expenditures report (Form C-4); and (2) RCW 42.17.103 by failing to timely file a Reporting Form for Independent Expenditures, Independent Expenditure Ads, and Electioneering Communications (Form C-6) disclosing political advertising expenditures undertaken during the 2010 general election.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Phil Stutzman, Director of Compliance. During the hearing, PDC staff unsuccessfully attempted to contact Conrad Lee, the Respondent's principal officer, at the telephone number he had provided, so that he could participate by telephone. The Respondent was not present and did not participate in the hearing.

A brief enforcement hearing notice was sent to New Americans for Accountable Government on January 8, 2013. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. On October 14, 2010, the Respondent filed a Committee Registration (Form C-1pc) as a first-time political committee, selecting the Full Reporting option and disclosing that Conrad Lee, Mayor for the City of Bellevue, and Norm Wietting were the committee's principal officers.

2. The C-1pc disclosed that the political committee was formed to support four Republican candidates for the Washington State Legislature in the 2010 general election, which included the following:
  - Greg Bennett, a candidate for State Senate in the 48<sup>th</sup> Legislative District;
  - Phil Wilson, a candidate for State Representative in the 48<sup>th</sup> Legislative District;
  - Steve Litzow, a candidate for State Senate in the 41<sup>st</sup> Legislative District; and
  - Peter Dunbar, a candidate for State Representative in the 41<sup>st</sup> Legislative District.
3. In total for the 2010 election cycle, the Respondent has disclosed receiving \$10,200 in total contributions, and \$9,816 in expenditures, that included independent expenditures made in support of the four candidates listed above by producing postcard mailings and conducting robotic telephone calls (robo-calls). Not all of the contributions and expenditures were reported timely, as detailed below.
4. In August 2011, the Commission received a complaint, later revised, alleging that the Respondent had not fully complied with RCW 42.17 with respect to its contributions and disclosures in 2010.

**RCW 42.17.080 and 42.17.090 by failing to timely file C-4 report**

5. As a political committee under the Full Reporting option, the Respondent was required to file a Post-General Election C-4 report by December 10, 2010, disclosing committee activities undertaken during the period October 26 through November 30, 2010.
6. On October 11, 2012, the Respondent filed its Post-General Election C-4 report 671 days late, disclosing that \$3,681 in committee expenditures had been spent for the design and printing of two political advertising postcards. The late-filed C-4 report also disclosed \$1,161 in debts owed, which included \$600 owed to FLS Connect, LLC for robo-calls, and \$562 owed to Labels and Lists for the two postcards. The debts were described as obligations for mailing labels and telephone calls supporting Greg Bennett, Phil Wilson, Steve Litzow, and Peter Dunbar.

**RCW 42.17.103 by failing to timely file C-6 report**

7. During the 21-days prior to the November 2, 2010 general election, a person undertaking an independent expenditure political advertisement valued at \$1,000 or more, per candidate supported or opposed, and presented to the public within 21 days of an election, must report the expenditure within 24 hours on a C-6 report.
8. On October 20, 2010, the Respondent presented independent expenditure mailings and telephone calls to the public totaling \$7,816 in support of four legislative candidates (Greg Bennett, Phil Wilson, Steve Litzow, and Peter Dunbar). The Respondent made the expenditures independently of the four candidates, but failed to file a C-6 report disclosing these expenditures within 24 hour of presenting the mailings to the public. The C-6 report was required to be filed by October 21, 2010, and was not filed until September 30, 2011, 344 days late.

**New Americans for Accountable Government Response to Complaint**

9. On September 30, 2011, in response to the August 2011 complaint and more than 11 months after the 2010 general election, the Respondent filed a C-6 report disclosing the \$7,816 in political advertising expenditures that supported Greg Bennett, Phil Wilson, Steve Litzow, and Peter Dunbar.
10. Mr. Wietting, treasurer for the Respondent, stated in his response letter dated September 30, 2011 and received October 4, 2011 that he believed he had successfully filed the post-election C-4 report. However, he was unable to provide a confirmation e-mail from the Public Disclosure Commission (PDC) for this report.
11. PDC staff reviewed the electronic filing logs which indicated the Respondent's treasurer had attempted to submit the C-4 report on January 4, 2011, 25 days late. However, that attempt was unsuccessful, and no C-4 report was transmitted and no e-mail confirmation was generated.
12. Mr. Wietting also stated in his response letter that he had re-filed the missing post-election C-4 report on September 30, 2011. However, when PDC staff informed Mr. Wietting in October 2012 that the post-election C-4 report had still not been received, the Respondent was unable to provide a confirmation e-mail from the PDC for this report. On October 11, 2012, the post-election C-4 report was re-filed and successfully received by the PDC.
13. Mr. Wietting claims to have been unaware of the independent expenditure reporting requirements and the C-6 form used to report such expenditures. As such, he described that the committee's failure to timely file the C-6 report was an inadvertent error.
14. The complainant alleged that the Respondent's unreported expenditures were over-limit in-kind contributions to candidates Greg Bennett, Phil Wilson, Steve Litzow, and Peter Dunbar in violation of RCW 42.17.640. Because the expenditures were made by the committee independent of the four candidates supported, they are properly characterized and reported as independent expenditures rather than in-kind contributions to the benefited candidates.

**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 file a post-general election C-4 report disclosing expenditure activities undertaken during the 2010 general election.
3. The Respondent violated RCW 42.17.103 by failing to timely file a C-6 report for Independent Expenditures disclosing advertising expenditures undertaken during the 2010 general election.

4. The Respondent did not violate RCW 42.17.640 by making over-limit in-kind contributions as alleged in the complaint.

ORDER

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

**IT IS HEREBY ORDERED that:**

**A. The Respondent is assessed a total civil penalty of \$300 comprised of the following:**

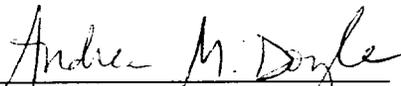
- 1. A \$200 civil penalty for violating RCW 42.17.080 and 42.17.090 by failing to timely file a 2010 post-general election C-4 report; and**
- 2. A \$100 civil penalty for violating RCW 42.17.103 by failing to timely file a C-6 report.**

**B. The allegation regarding over-limit in-kind contributions in violation of RCW 42.17.640 is dismissed.**

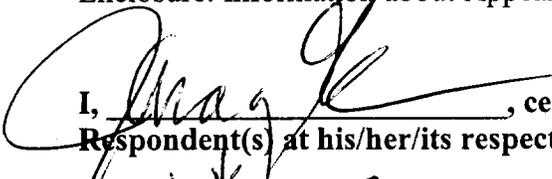
This is an **Initial Order** of the Public Disclosure Commission.

Entered this 30<sup>th</sup> day of January, 2013.

Public Disclosure Commission

  
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Andrea McNamara Doyle  
Executive Director

Enclosure: Information about Appeal Rights

I, , certify that I mailed a copy of this order to the Respondent(s) at his/her/its respective address, postage pre-paid, on the date stated herein.

Signed

JANA GREER

Date

1/30/13