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

In the Matter of Enforcement Action Against:
Mark Nelson, Cowlitz County Sheriff
Respondent

PDC CASE NO. 12-122
FINAL ORDER

This matter came before the Washington State Public Disclosure Commission on February 23, 2012 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Barry Sehlin, Commission Chair; Jennifer Joly, Vice Chair; and Amit Ranade, Member. Participating were: Mark Nelson, Respondent; PDC Director of Compliance Phil Stutzman (representing PDC staff); PDC Executive Director Andrea McNamara Doyle; Nancy Krier, General Counsel for the Commission; and PDC staff member Jana Greer as recorder/reporter of the proceeding. The proceeding was open to the public and was recorded.

The Respondent was the Cowlitz County Sheriff during 2011, and is currently the Cowlitz County Sheriff. This matter resulted from a complaint alleging that Respondent violated RCW 42.17.130 by using, or authorizing the use of, Cowlitz County facilities in the taping of a political advertisement that opposed Initiative 1183 (I-1183), a statewide ballot proposition concerning public retail sales of liquor, beer, wine, and spirits, on the 2011 general election ballot, by: (1) allowing his Cowlitz County patrol vehicle to be staged as part of the background scene for the video political advertisement sponsored by Protect Our Communities; and (2) wearing a jacket that was purchased with Cowlitz County funds and is authorized to be worn with the Cowlitz County Sheriff's uniform.

1 PDC Staff submitted to the Commission a cover memo from Mr. Stutzman dated
2 February 15, 2012; a letter from Respondent dated February 9, 2012; a Notice of
3 Administrative Charges dated February 9, 2012; and a Report of Investigation dated
4 February 9, 2012 (with exhibits 1-5). The parties also submitted to the Commission a
5 proposed Stipulation as to Facts, Violations and Penalty (Stipulation) dated February 13,
6 2012.

7 Mr. Stutzman summarized the proposed Stipulation and the staff recommendation to
8 accept the Stipulation. Sheriff Nelson addressed the Commission and requested the
9 Commission adopt the Stipulation.

10 The Commission voted 3-0 to accept the Stipulation.

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

12 Based upon the Stipulation, which is hereby attached and incorporated by reference,
13 the Commission finds:

- 14 1. The Jurisdiction, Facts, Legal Authority, and Violations are established as
15 provided in the Stipulation.
- 16 2. The Respondent committed multiple violations of RCW 42.17.130 as
17 provided in the Stipulation.
- 18 3. The penalty provided in the Stipulation is an appropriate resolution of this
19 matter.

20 **II. ORDER**

21 Based upon the findings and conclusions, the Commission orders that:

- 22 1. The Stipulation is accepted.
- 23 2. The Respondent is assessed a civil penalty of \$750. Of the total penalty amount,
24 \$500 will be suspended on the following conditions:
 - 25 a. Respondent is not found to have committed further violations of RCW 42.17 or
26 RCW 42.17A within four years from the date of the entry of the Commission's
Final Order in this matter; and

1 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
2 County or the petitioner's county of residence or principal place of business. The petition
3 for judicial review must be served on the Public Disclosure Commission and any other
4 parties within **30 days** of the date that the Public Disclosure Commission serves this final
5 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency
6 shall be by delivery of a copy of the petition to the office of the director, or other chief
7 administrative officer or chairperson of the agency, at the principal office of the agency.
8 Service of a copy by mail upon the other parties of record and the office of the attorney
9 general shall be deemed complete upon deposit in the United States mail, as evidenced by
10 the postmark."
11

12
13 If reconsideration is properly sought, the petition for judicial review must be served
14 on the Public Disclosure Commission and any other parties within thirty (30) days after the
15 Commission acts on the petition for reconsideration.

16 **IV. ENFORCEMENT OF FINAL ORDERS**

17 The Commission may seek to enforce this final order in superior court under RCW
18 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid
19 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
20 will be taken without further order by the Commission.
21

22 The Executive Director is authorized to enter this order on behalf of the
23 Commission.
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1 So ORDERED this 20th day of March, 2012.

2 WASHINGTON STATE PUBLIC
3 DISCLOSURE COMMISSION

4 FOR THE COMMISSION:

5 *Andrea M. Doyle*
6 ANDREA MCNAMARA DOYLE
Executive Director

7 *ATTACHMENT:* Stipulation as to Facts, Violations and Penalty (dated February 13, 2012)

8
9 *Copy of this Final Order to:*

10 Mark Nelson
11 4139 Poplar Way
12 Longview, WA 98632

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

15 *Jana Greer*
Signature

16 *3/24/12*
Date