



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:

Gil Mendoza

Respondent.

PDC Case No. 12-153

Notice of Administrative Charges

IT IS ALLEGED as follows:

I. Jurisdiction

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW, the Public Disclosure Act; Chapter 42.17A RCW, the Public Disclosure Act recodified, effective January 1, 2012; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

II. Allegations

2. Staff alleges that Respondent, Gil Mendoza, violated provisions of the state campaign finance disclosure laws during the 2011 election as follows:
 - A. RCW 42.17.103: Failure to timely file one Independent Expenditure (C-6) report disclosing \$8,168 in expenditures, made within 21 days of the November 8, 2011 general election, for a mailing to approximately 24,288 residents of the Sumner School District that supported three candidates and opposed two candidates for Sumner School Board.
 - B. RCW 42.17.510: Failure to include proper sponsor identification on the mailing by omitting the words, "*No candidate authorized this ad. It is paid for by (name, address, city, state)*" and using an assumed name for the sponsor of the mailing.
 - C. RCW 42.17.120: Concealing his identity as the source of the independent expenditure by listing a fictitious entity as the sender on the mailing instead.

III. Facts

Gil Mendoza Filed Independent Expenditure Report (form C-6) 14 Days Late

3. On October 18, 2011, Gil Mendoza sent a mailer to 24,288 residents of the Sumner School District that supported three candidates and opposed two candidates in the 2011 Sumner School Board election. The mailer supported Paul Bucich, Richard Hendricks, and Casey Chamberlain, and opposed Jeff DeMarre and Ron Weigelt. All five candidates selected the Mini Reporting Option, and each was limited to spending \$5,000 in the campaign and accepting no more than \$500 from one source.
4. Mr. Mendoza paid for and sponsored the mailer, which constituted an independent expenditure political advertisement under state law. Because he made the mailer expenditure within 21 days of the general election, Mr. Mendoza was required to file a report of Independent Expenditures (Form C-6) within 24 hours of the mailing, i.e., by October 19, 2011.
5. On November 2, 2011, Mr. Mendoza filed a report of Independent Expenditures (Form C-6) disclosing expenditures totaling \$7,810. It was filed 14 days late. On November 4, 2011, Mr. Mendoza filed an amended C-6 report disclosing total costs of \$8,168. This amount consisted of \$6,315 for direct mail, \$1,705 for printing and handling, and \$148 for mailer seals.

Gil Mendoza Used Assumed Name for Sponsor Identification and Concealed His Expenditures

6. Mr. Mendoza's mailer did not include the sponsor identification language required by RCW 42.17.510. Mr. Mendoza was required to include sponsor identification language that stated, "No candidate authorized this ad. It is paid for by (name, address, city, state)." Mr. Mendoza was required to disclose his name as the sponsor of the advertising. Instead, the mailing included a return address that stated:

C.A.R.E.S.
CITIZENS ADVOCATING A
RESPONSIBLE EDUCATION SYSTEM
P.O. BOX 100
SUMNER, WA 98390

7. Mr. Mendoza's name did not appear anywhere on the mailer. He prominently featured the acronym C.A.R.E.S. and the full name, "*Citizens Advocating a Responsible Education System*" on both sides of the mailer. Mr. Mendoza admitted that C.A.R.E.S. does not exist, that it is a pseudonym. He further stated that "... *I tried to remain anonymous so as NOT to unfairly influence the election with my reputable standing in the community and popularity as the former superintendent.*"
8. Mr. Mendoza used an assumed name when he used the pseudonym C.A.R.E.S. and the full name, "*Citizens Advocating a Responsible Education System*" on the mailer. Mr. Mendoza also concealed that he was the sole sponsor of the advertising when he failed to include his name on the mailer, and when he included C.A.R.E.S. and "*Citizens Advocating a Responsible Education System*" along with his name when he filed form C-6 on November 2, 2011 and November 4, 2011.

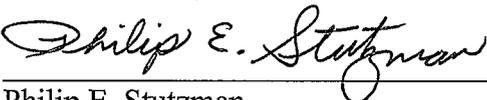
IV. Law and Rules

RCW 42.17.103 (now RCW 42.17A.260) requires independent expenditure political advertising valued at \$1,000 or more, per candidate supported or opposed, and presented to the public within 21 days of an election, to be reported within 24 hours on a report of Independent Expenditures (C-6 report).

RCW 42.17.510(1) (now RCW 42.17A.320), in part, requires all written political advertising, whether relating to candidates or ballot propositions, to include the sponsor's name and address. It states that the use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. Subsection (2) states, in part, that in addition to the information required by subsection (1), except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party must include as part of the communication: (a) The statement: "No candidate authorized this ad. It is paid for by (name, address, city, state)."

RCW 42.17.120 (now RCW 42.17A.435) states that no contribution shall be made in a fictitious name, by one person through an agent, relative, or other person, or anonymously, in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

Respectfully Submitted this 1st day of June, 2012.


Philip E. Stutzman
Director of Compliance