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

5 In the Matter of Enforcement Action Against:  
6 Gil Mendoza  
7 Respondent

PDC CASE NO. 12-153  
FINAL ORDER

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10 This matter came before the Washington State Public Disclosure Commission on  
11 June 28, 2012 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington.  
12 Those present included Jennifer Joly, Commission Chair; Jim Clements, Member; and Amit  
13 Ranade, Member. Participating were: Gil Mendoza, Respondent; Linda Dalton, Senior  
14 Assistant Attorney General (representing PDC staff); PDC Executive Director Andrea  
15 McNamara Doyle; Nancy Krier, General Counsel for the Commission; and PDC staff  
16 member Jana Greer as recorder/reporter of the proceeding. The proceeding was open to the  
17 public and was recorded.

18 In 2011, the Respondent sent a mailer to 24,288 Sumner School District residents  
19 that supported three candidates and opposed two candidates. This matter resulted from a  
20 complaint alleging that Respondent violated provisions of the state campaign finance  
21 disclosure laws with respect to that mailing. The complaint alleged the Respondent  
22 violated RCW 42.17.103 by failing to timely file one Independent Expenditure (C-6) report  
23 disclosing \$8,168 in expenditures, made within 21 days of the November 8, 2011 general  
24 election; RCW 42.17.510 by failing to include proper sponsor identification on the mailing  
25 by omitting the words, "*No candidate authorized this ad. It is paid for by (name, address,*  
26 *city, state)*" and using an assumed name for the sponsor of the mailing; and, RCW

1 42.17.120 by concealing his identity as the source of the independent expenditure by listing  
2 a fictitious entity as the sender.

3 PDC Staff submitted to the Commission a memo from Phil Stutzman, Director of  
4 Compliance, dated June 20, 2012; a Notice of Administrative Charges dated June 1, 2012;  
5 and a Report of Investigation dated June 1, 2012. The parties also submitted to the  
6 Commission a proposed Stipulation as to Facts, Violations and Penalty (Stipulation) dated  
7 June 27, 2012. Staff also submitted a memo from Mr. Stutzman dated June 27, 2012.

8 Ms. Dalton summarized the proposed Stipulation and the staff recommendation to  
9 accept the Stipulation. Mr. Mendoza addressed the Commission and requested the  
10 Commission adopt the Stipulation.

11 The Commission voted 3-0 to accept the Stipulation with one amendment that was  
12 agreed to by the parties. The amendment requires the non-suspended portion of the penalty  
13 to be paid within two weeks (14 days) from the date of entry of the Commission's Final  
14 Order in this matter.

#### 15 I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

16 Based upon the Stipulation, which is hereby attached and incorporated by reference  
17 and amended as provided in this Final Order, the Commission finds and concludes:

18 1. The Jurisdiction, Facts, Legal Authority, and Violations are established as  
19 provided in the Stipulation.

20 2. The Respondent committed multiple violations of RCW 42.17 as provided in  
21 the Stipulation.

22 3. The penalty provided in the Stipulation is an appropriate resolution of this  
23 matter.

#### 24 II. ORDER

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

26 1. The Stipulation as amended is accepted.

1 2. The Respondent is assessed a civil penalty of \$4,500. Of the total penalty amount,  
2 \$2,500 is suspended based on his compliance with the following conditions:

3 a. Respondent is not found to have committed violations of RCW 42.17A within  
4 four years from the date of the entry of the Commission's Final Order in this  
5 matter; and

6 b. Respondent pays the non-suspended portion of the penalty (\$2,000) within two  
7 weeks (14 days) of the date of entry of the Commission's Final Order in this  
8 matter.

9 3. In the event Respondent fails to meet these terms, the suspended portion of the  
10 penalty (\$2,500) shall become due without any further intervention of the  
11 Commission.

12 The Executive Director is authorized to enter this order on behalf of the  
13 Commission.

14 So ORDERED this 16<sup>th</sup> day of July, 2012.

15 WASHINGTON STATE PUBLIC  
16 DISCLOSURE COMMISSION

17 FOR THE COMMISSION:

18 *Andrea M. Doyle*

19 ANDREA MCNAMARA DOYLE  
Executive Director

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21 **ATTACHMENTS:** (1) Stipulation as to Facts, Violations and Penalty (dated June 27, 2012)  
(2) Appeals and Enforcement of Final Orders

22 *Copy of this Final Order to:*

23 Gil Mendoza  
24 10802 159<sup>th</sup> Ave. East  
Puyallup, WA 98374

25 I, *Jana y Green*, certify that I mailed a copy of this order to the  
26 Respondent at his respective address, postage prepaid, on the date stated herein.

*Jana y Green*  
Signature

*7/16/12*  
Date

# INFORMATION ABOUT APPEALS AND ENFORCEMENT OF FINAL ORDERS

## APPEALS

### RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150*. (Note that the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

### FURTHER APPEAL RIGHTS – SUPERIOR COURT

A final order issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

## ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.