

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

In the Matter of Enforcement Action  
Against:

Gil Mendoza,

Respondent.

Case No. 12-153

STIPULATION AS TO FACTS,  
VIOLATIONS AND PENALTY

The parties hereto, the Public Disclosure Commission Staff, through its Executive Director, Andrea McNamara Doyle, and Respondent Gil Mendoza, submit this Stipulation as to Facts, Violations and Penalty in this matter.

**JURISDICTION**

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17, the Public Disclosure Act; RCW 34.05, the Administrative Procedure Act; and Title 390 WAC. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will be reset for a full hearing before the Commission.

**FACTS**

1. On October 18, 2011, Respondent 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.
2. 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.

3. 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.
4. 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.
5. 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

6. 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.
7. Mr. Mendoza admits that "C.A.R.E.S." does not exist and that it is a pseudonym.
8. Mr. Mendoza admits that it was his intent to "*...remain anonymous so as NOT to unfairly influence the election with my reputable standing in the community and popularity as the former superintendent.*"
9. 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.

10. Mr. Mendoza agrees that he 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.

### LEGAL AUTHORITY

1. **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).
2. **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)."
3. **RCW 42.17.120 (now RCW 42.17A.435)** states that no contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person 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.

### VIOLATIONS

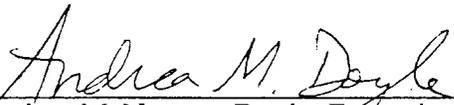
Based on the Stipulation of Facts set forth above, Respondent Mendoza stipulates that he has committed multiple violations of RCW 42.17 for failing to timely disclose his independent expenditure, failing to include proper sponsor identification on his mailer, and concealing his identity as the true sponsor of the mailer by the use of a pseudonym, all related to a mailer supporting and opposing candidates during the 2011 Sumner School District Board election.

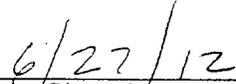
### PENALTY

Based upon the above Stipulation as to Facts and Violations, Respondent Mendoza agrees that a civil penalty in the amount of \$4,500 may be assessed against him, with \$2500 suspended based on his compliance with the following conditions:

1. Respondent is not found to have committed violations of RCW 42.17A within four years from the date of the entry of the Commission's Final Order in this matter; and
2. Respondent pays the non-suspended portion of the penalty (\$2000) within 60 days of the date of entry of the Commission's Final Order in this matter.
3. In the event that Respondent fails to meet these terms, the suspended portion of the penalty shall become due without any further intervention of the Commission.

Respondent affirms his intention to comply in good faith with the provisions of RCW 42.17A in the future.

  
\_\_\_\_\_  
Andrea McNamara Doyle, Executive Director  
Public Disclosure Commission

  
\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Gil Mendoza, Respondent

\_\_\_\_\_  
Date Signed

Office of Minority Affairs & Diversity

**Fax**

RECEIVED

JUN 26 2012

Public Disclosure Commission

To: Andrea McManara Doyle From: Gil Mendoza

Fax: 360 753-1112 Pages: 2 with Cover Page

Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Re: \_\_\_\_\_ cc: \_\_\_\_\_

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

• Comments:

*Linda Dalton and I spoke this morning. She advised me to fax this to you, as I am out of town all day at a student event and could not hand deliver it to you. Thank you. Gil Mendoza*

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  3. In the event that Respondent fails to meet these terms, the suspended portion of the penalty shall become due without any further intervention of the Commission.
- Respondent affirms his intention to comply in good faith with the provisions of RCW 42.17A in the future.

Andrea McNamara Doyle, Executive Director  
Public Disclosure Commission

Date Signed

*GJ Mendoza*  
GJ Mendoza, Respondent

*June 27, 2012*  
Date Signed