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 Brian Brooks Respondent.	PDC Case No. 12-162 Notice of Administrative Charges (Brief Enforcement Hearing)

I. Jurisdiction

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the Public Disclosure Act; 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. PDC staff alleges that Brian Brooks, a candidate for School Director for the Kennewick School District in 2011, violated WAC 390-16-125 by exceeding the limitations for Mini Reporting campaigns as specified in WAC 390-16-105, and RCW 42.17.040, 42.17.080 and 42.17.090 before applying in writing to the Commission for authorization to change reporting options in accordance with WAC 390-16-105. Prior to exceeding the limits of the Mini Reporting option, Mr. Brooks was required to file: (1) an amended Candidate Registration (C-1 report); (2) a Monetary Contribution report (C-3 report); (3) a Summary Contribution and Expenditure report (C-4 report) with relevant schedules and attachments; and (4) confirmation that the opponent has been notified.

III. Facts

3. On July 6, 2011, Brian Brooks filed a Candidate Registration (C-1 report) with the PDC, declaring his 2011 candidacy for School Director in the Kennewick School District, Position #5. He selected the Mini Reporting option.

4. Under WAC 390-16-105, candidate selecting the Mini Reporting option are relieved from the basic filing requirements imposed by RCW 42.17.080 and .090 to file frequent, detailed reports of contribution and expenditure activities. To qualify for the Mini Reporting option, a candidate must agree that his or her total contributions and expenditures will not exceed $5,000, and that no contribution or contributions from any one person will exceed $500.

5. On August 29, 2011, Brian Brooks received a $250 monetary contribution from Ty Haberling.

6. On October 5, 2011, Mr. Haberling made an expenditure totaling $2,817 on behalf of three candidates (Brian Brooks, Benjamin Messinger, and Ron Mabry) for the postage costs for three political advertisements distributed in the form of mailings that benefitted each of the three candidates.

7. Each candidate paid for their proportional share of the printing costs. Mr. Haberling coordinated the postage expenditure with each of the three candidates, making the value of his in-kind contribution to each candidate $939.

8. PDC statutes, rules and reporting requirements state that coordinated expenditures, such as the postage paid for by Mr. Haberling, are in-kind contributions to the benefitting candidates. When the postage costs are included in the aggregate contributions from Mr. Haberling, the Brooks campaign received a total of $1,189 from Mr. Haberling. This amount exceeded the $500 limit under the Mini Reporting option selected by Mr. Brooks by $689.

9. On November 21, 2011, the Brooks campaign made a $939 expenditure to Mr. Haberling, reimbursing him for the campaign's portion of the postage costs for the political advertisements.

IV. Laws and Regulations

RCW 42.17.020(15)(a) states, "Contribution" includes: A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration.

RCW 42.17.040 states that every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission.

RCW 42.17.080 and 090 require candidates under the full reporting option to file timely, accurate reports of contributions and expenditures.

WAC 390-16-105 states that a candidate shall not be required to comply with the provisions of RCW 42.17.065 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed $5,000 and no contribution or contributions from any person other than the candidate within such aggregate exceed $500.

WAC 390-16-125 states that a candidate or political committee shall apply in writing to the commission for authorization to change reporting options before the limitations specified in WAC 390-16-105 are exceeded. Exceeding the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 without complying with the provisions of this section shall constitute one or more violations of chapter 42.17A RCW or 390-17 WAC.

RESPECTFULLY SUBMITTED this 17th day of September, 2012.

Kurt Young
Compliance Officer