STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

Ron Mabry
2525 South Irving Street
Kennewick WA 99338

In Re Compliance with RCW 42.17

Ron Mabry

Respondent.

PDC Case No. 12-163

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

A brief enforcement hearing (brief adjudicative proceeding) was held October 2, 2012, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Ron Mabry 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.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. Commission Chair Jennifer Joly was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent participated by telephone, and provided testimony that was considered by the Presiding Officer.

A brief enforcement hearing notice was sent to Ron Mabry on September 18, 2012. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a first-time candidate for School Director in the Kennewick School District, Position #4.

2. The Respondent filed a Candidate Registration (C-1 report) on July 7, 2011, declaring his candidacy for School Director and selecting the Mini Reporting option.

3. Under WAC 390-16-105, political committees selecting the Mini Reporting option are relieved from the basic filing requirements to file frequent, detailed reports of contribution and expenditure activities, provided their total contributions and expenditures do not exceed $5,000, and aggregate contributions from any one person do not exceed $500.

4. On August 29, 2011, the Respondent received a $250 monetary contribution from Ty Haberling.

5. On October 5, 2011, Mr. Haberling made an out-of-pocket expenditure totaling $2,817 on behalf of three candidates, including the Respondent, for the postage costs for political advertisements distributed in the form of mailings that benefitted each of the three candidates. Each candidate, including the Respondent, paid for their proportional share of the printing costs for the advertisements.

6. PDC statutes, rules and reporting requirements state that coordinated expenditures involving a candidate are in-kind contributions to the benefitting candidates. Mr. Haberling coordinated the postage expenditure with each of the three candidates, including the Respondent, making the value of his in-kind contribution to each candidate $939.

7. When the postage costs are included in the aggregate contributions from Mr. Haberling, the Respondent received a total of $1,189 from Mr. Haberling, which exceeded the $500 limit under the Mini Reporting option by $689.

8. On November 22, 2011, the Mabry campaign made a $939 expenditure to Mr. Haberling, reimbursing him for the campaign's portion of the postage costs for the political advertisements.

9. The Respondent stated that he is a first-time candidate for public office, and that he thought his campaign was in compliance with the Mini Reporting requirements. He said he did not consider Mr. Haberling's out-of-pocket expenditure for postage to be an in-kind contribution to his campaign. He said his campaign received no benefit by having Mr. Haberling make the out-of-pocked expenditures for postage since he was un-opposed. He said there was no reason for him to raise money and not report it, and said he had no intention of deliberately exceeding the Mini Reporting limits.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.

2. The Respondent violated WAC 390-16-125 by exceeding the limitations for a candidate selecting the Mini Reporting option 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.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of $200, of which $100 is suspended on the following conditions:

(1) Respondent is not found to have committed any further violations of RCW 42.17A within four years of the date of the order; and

(2) The $100 non-suspended portion of the penalty is paid within 30 days of the date of the order.

If Respondent fails to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 16th day of October, 2012.

Public Disclosure Commission

Andrea M. Doyle

Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights