



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

MARK FAITH
5801 KILAWEA DRIVE
WEST RICHLAND WA 99353

In Re Compliance with RCW 42.17A

Mark Faith

Respondent.

PDC Case No. 13-100

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

A brief enforcement hearing (brief adjudicative proceeding) was held December 4, 2014, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated: (1) RCW 42.17A.555 by using the facilities of Franklin County to assist his candidacy for Franklin County Commissioner in 2012; and (2) RCW 42.17A.240 by failing to disclose in-kind contributions received by his campaign. PDC staff also asked the Presiding Officer to dismiss the remaining allegations in the complaint.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Mark Faith on November 26, 2014. Commission Chair Grant Degginger was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent participated by telephone at the hearing and provided testimony to the Presiding Officer.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. Respondent Mark Faith was a first-time candidate for public office in 2012, seeking election to the office of Franklin County Commissioner. He filed a Candidate Registration (C-1 report) on April 6, 2012, selecting the Full Reporting option.
2. During the 2012 election, the Respondent was a Franklin County Building Inspector in the Planning and Development Department.

Allegation No. 1: Using the facilities of Franklin County, including the county's email system and staff time, to assist his candidacy for Franklin County Commissioner:

3. On October 5, 2011, the Respondent requested election-related information from the Franklin County Auditor's Office, in-person, and later that afternoon received the information in an email sent to his Franklin County email address. The email included an attachment containing a Franklin County Candidate Guide that he forwarded to his personal email address later on October 5, 2011, and again on Sunday, January 15, 2012.
4. The Respondent stated that he forwarded the email a second time because he did not have a printed copy, and he wanted to read about candidate-related issues on his own time.
5. On March 20, 2012, Mr. Faith sent an email using his Franklin County email address to his campaign website as a test to see if his campaign website was active.

Allegation No. 2: Failing to disclose in-kind contributions received by his 2012 campaign.

6. During the 2012 election cycle, the Respondent acknowledged that he occupied one room of a 3-bedroom house owned by Kyle Pfundheller, from mid-May 2012 until mid-November 2012, a period of approximately six months. Mr. Faith said he offered to pay rent, but Mr. Pfundheller refused to accept payment while Mr. Faith was a candidate.
7. Mr. Faith said he did not know the fair rental value of the room, and could not remember offering a specific amount to Mr. Pfundheller. Mr. Faith did not report or describe the in-kind contributions he received from Mr. Pfundheller for the use of a room in his home.

PDC Staff asked the Presiding Officer to dismiss the following allegations:

Alleged violation of RCW 42.17A.405 by accepting over-limit in-kind contributions from a contributor:

8. Mr. Faith said he did not know the fair rental value of the room, and could not remember offering a specific amount to Mr. Pfundheller. No evidence was found that Mr. Faith accepted an in-kind contributions that violated the limits in RCW 42.17A.405 during his campaign.

Alleged violations of RCW 42.17A.555 by: (1) using his Franklin County email address on his Personal Financial Affairs Statement (F-1 report); (2) receiving a campaign-related email at his Franklin County email address that included a candidate letter of recommendation from Lexar Homes in Kennewick; and (3) receiving campaign-related emails at his Franklin County email address to schedule a campaign interview with a local reporter.

9. Mr. Faith said he was unaware that listing his work address on the F-1 report he filed as a candidate could result in a prohibited use of his email account to assist his campaign.
10. Bryan Keehr, Regional Manager of Sales and Construction for Lexar Homes, directed that a letter of recommendation be sent to Mr. Faith at his private email address, but an employee of Lexar Homes inadvertently sent the letter to Mr. Faith at his Franklin county email address.

11. Mr. Faith acknowledged that he received campaign related emails at his Franklin County email address about scheduling a campaign interview with a local reporter, but said he did not request a candidate interview with the reporter, and after receiving the initial email he asked the reporter to direct future communications to his private cellular telephone number.

CONCLUSIONS OF LAW

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

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.555 by forwarding a Franklin County Candidate Guide from his Franklin County email address to his personal email address on two occasions, and by sending an email from his Franklin County email address to test whether his campaign website was active.
3. The Respondent violated RCW 42.17A.240 by failing to disclose or describe an in-kind contribution received from Kyle Pfundheller for the use of a room in Mr. Pfundheller's home during the campaign.
4. The Respondent did not violate RCW 42.17A.405 by accepting an over-limit in-kind contribution for the use of a room in Mr. Pfundheller's home during the campaign.
5. The Respondent did not violate RCW 42.17A.555 by: (1) using his Franklin County email address on his F-1 report; (2) receiving a campaign-related email at his Franklin County email address that included a candidate letter of recommendation from Lexar Homes in Kennewick; and (3) receiving campaign-related emails at his Franklin County email address to schedule a campaign interview with a local reporter.

ORDER

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

IT IS HEREBY ORDERED that the Respondent is assessed a \$250 civil penalty for the violation of RCW 42.17A.240. The Presiding Officer did not assess a penalty for the violations of RCW 42.17A.555.

The Presiding Officer dismissed the remaining alleged violations of RCW 42.17A.405 and 42.17A.555.

The \$250 penalty is payable within 30 days of the date of this order.

This is an Initial Order of the Public Disclosure Commission.

Finding, Conclusions & Order

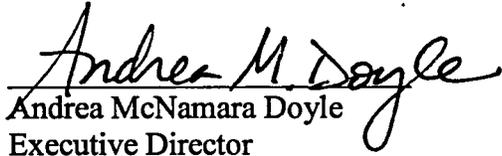
Mark Faith

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Entered this 19th day of December, 2014.

Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

I, Jacob Berkay, certify that I mailed a copy of this order to the Respondent/Applicant at his/her respective address postage pre-paid on the date stated herein.

Enclosure: Information about Appeal Rights