

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

IN THE MATTER OF ENFORCEMENT
ACTION AGAINST:

Citizens for Two-Thirds

Respondent

PDC CASE NO. 13-101

ORDER DENYING MOTION TO
INTERVENE

This matter came before the Washington State Public Disclosure Commission (PDC) on September 10, 2013 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Amit Ranade, Commission Chair; and, participating by telephone, Grant Degginger, Vice Chair, and Kathy Turner, Member. Those participating in the "Motion to Intervene" were Robert Shirley, attorney for proposed Intervenor Jim Lazar (Petitioner); Dan Brady, attorney for Citizens for Two-Thirds (Respondent or CTT); and, Linda A. Dalton, Senior Assistant Attorney General, attorney for PDC Staff. PDC Executive Director Andrea McNamara Doyle and Nancy Krier, General Counsel for the Commission, were also present. PDC staff member Nancy Coverdell was the recorder/reporter of the proceedings. The proceedings were open to the public and recorded.

The Petitioner submitted a Motion to Intervene in PDC Case No. 13-101, a pending enforcement hearing concerning allegations that Respondent political committee violated certain provisions of RCW 42.17A and Title 390 WAC. The PDC Staff and Respondent objected to the motion. Following oral argument, the Chair denied the motion.

I. FINDINGS AND CONCLUSIONS

1. The parties in PDC Case No. 13-101 are the Respondent and PDC Staff.

2. The Respondent is a political committee formed to support a ballot proposition in the November 5, 2013 general election, Proposition 1, in the City of Yakima.
3. Petitioner is a citizen of Thurston County. He is not a party to this action.
4. In the afternoon of September 9, 2013, Petitioner, through his counsel, submitted by email a Motion to Intervene in PDC Case No. 13-101, citing to RCW 34.05.443 and WAC 390-37-100(100) (*sic*).
5. The hearing in PDC Case No. 13-101 was scheduled for the morning of September 10, 2013. At the hearing, the parties anticipated presenting the Commission a proposed "Stipulation as to Jurisdiction, Facts, Violation and Penalty" (Stipulation) regarding the PDC Staff allegations that Respondent violated certain provisions in RCW 42.17A and Title 390 WAC by exceeding the "Mini Reporting" limits for a political committee.
6. The Petitioner's counsel stated the Petitioner has experience in Mini-Reporting, but he does not live in Yakima and is not a member of CTT. His counsel stated that Petitioner's standing was more as a taxpayer and was seeking to intervene based on his interests as a member of the general public.
7. The Petitioner requested that he be permitted to provide new facts to the Commission and to argue that the Commission should not accept the proposed Stipulation.
8. The parties objected to the motion, stating the Petitioner did not satisfy the intervention criteria at RCW 34.05.443 or the Commission's rule at WAC 390-37-030.
9. The Commission's enforcement hearings are quasi-judicial adjudicative proceedings governed by RCW 34.05.
10. RCW 34.05.443 provides that a presiding officer may grant a petition for intervention at any time, upon determining the petitioner: (i) qualifies as an intervenor under any

provision of law, (ii) and that the intervention sought is in the interests of justice, (iii) and that the intervention will not impair the orderly and prompt conduct of the proceedings.

11. The Commission's rule at WAC 390-37-030(1) provides that complainants and other persons do not have standing to intervene in the consideration of a complaint by the Commission.
12. The Petitioner did not establish that he qualified to intervene under any provision of law.
13. The requested intervention would impair the orderly and prompt conduct of the proceedings.
14. The proposed Stipulation as signed by PDC Staff and Respondent, if accepted, included admitted liability by the Respondent for its violation of the PDC's laws and rule at issue, thereby satisfying the public's interest in the enforcement of those laws and rules.

II. ORDER

Based upon the findings and conclusions, the Motion to Intervene is denied.

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

So ORDERED this 26th day of September, 2013

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION
FOR THE COMMISSION:

Andrea M. Doyle
ANDREA MCNAMARA DOYLE
Executive Director

Copy of this Order to:

Dan Brady, Attorney for Respondent
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Robert Shirley, Attorney for Petitioner