



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

Ken Mann and 2009 Ken Mann
Campaign

Respondent.

PDC Case No. 14-001

Notice of Administrative Charges
Brief Adjudicative Proceeding
(Brief Enforcement Hearing)

I. JURISDICTION

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the state campaign finance and disclosure laws; 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 Ken Mann, a candidate for Whatcom County Council in 2009, and the 2009 Ken Mann Campaign, violated RCW 42.17.080 and 42.17.090 by:
 - A. Failing to disclose campaign contributions received on Cash Receipts Monetary Contributions Reports (C-3 reports); and
 - B. Failing to disclose campaign expenditures on Campaign Summary Receipts & Expenditures reports (C-4 reports).

III. FACTS

3. On April 2, 2009, Ken Mann filed a Candidate Registration (C-1 report) with the PDC declaring his candidacy for Whatcom County Council, District #2, in 2009.
4. As a candidate under the Full Reporting option, Mr. Mann was required to timely file weekly C-3 reports beginning June 1, 2009, disclosing monetary contributions received.

5. Mr. Mann was also required to timely file monthly C-4 report as necessary, and 21 and 7-day pre-primary and pre-general election C-4 reports, as well as post-election C-4 reports.
6. Mr. Mann was elected to the Whatcom County Council in 2009, and was re-elected to the council in 2013.

Failure to report 2009 campaign expenditures

7. Staff's review of the relevant evidence confirmed that the campaign failed to disclose nine expenditures during the 2009 campaign totaling \$5,061. The expenditures were for campaign management, printing, and postage. The late-reported expenditures were reported between 1,380 and 1,502 days late, and more than three and one-half years after the 2009 general election.

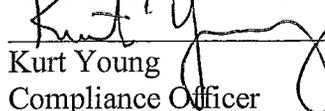
Failure to report 2009 campaign contributions

8. On September 20, 2013, the campaign filed seven new C-3 reports and one amended C-3 report. The seven new C-3 reports totaled \$4,790 in previously unreported contributor information, and were disclosed almost four years late in some instances, and more than three and one-half years after the 2009 general election. The \$4,790 in late-reported contributions were disclosed between 1,349 and 1,432 days late, and included a \$3,000 candidate loan from Mr. Mann on October 30, 2009.

IV. LAW

RCW 42.17.080 and .090¹ require political committees to timely and accurately file detailed reports of contribution and expenditure activities. Under the full reporting option, until five months before the general election, C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report. C-4 reports are also required 21 and 7 days before each election, and in the month following the election, regardless of the level of activity. Contribution deposits made during this same time period must be disclosed on the Monday following the date of deposit.

RESPECTFULLY SUBMITTED this 2nd day of December, 2013.


Kurt Young
Compliance Officer

¹ Effective January 1, 2012, RCW 42.17.080 and 42.17.090 were recodified as RCW 42.17A.235 and 42.17A.240.