STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action Against Saving Whatcom County dba Save Whatcom Respondent.	PDC Case No. 14-004 Notice of Administrative Charges

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. Staff alleges that Saving Whatcom County dba Save Whatcom (Save Whatcom) violated RCW 42.17A.235 and 42.17A.240 by failing to timely file Campaign Summary Receipts & Expenditures reports (C-4 reports) and Cash Receipts Monetary Contributions reports (C-3 reports) disclosing contribution and expenditure activities undertaken during the 2013 election.

3. Staff further alleges that the committee violated RCW 42.17A.245 by failing to file required reports electronically.

III. Facts

4. Save Whatcom was created on August 9, 2013, and on August 13, 2013, filed a Committee Registration (C-1pc report) registering with the PDC as an "Other Political Committee."

Late C-4 Reports (RCW 42.17A.235 and 42.17A.240)

5. Save Whatcom filed two C-4 reports late between six and 35 days late as follows:

   - August 2013 C-4 report: On October 15, 2013, Save Whatcom filed its initial C-4 report for August 2013 covering the period August 1 through August 31, 2013, disclosing the receipt of $5,000 in monetary contributions and in-kind contributions totaling $1,932, and no expenditures. The August 2013 C-4 was required to be filed by September 10, 2013, and was filed 35 days late by Save Whatcom.

   - 21-day pre-general election C-4 report: On October 21, 2013, Save Whatcom filed its 21-day pre-general election C-4 report for the period September 1 through October 14, 2013, disclosing $151,248 in monetary contributions received, $154,802 in expenditures made, and $4,343 in in-kind contributions received. The expenditures included: (1) A $154,000 monetary contribution to Whatcom First made on October 14, 2013; (2) A $571 expenditure to Print and Copy for printing services made on September 6, 2013; and (3) A $231 expenditure to Print and Copy for printing services on September 12, 2013. The 21-day pre-general election C-4 report was required to be filed by October 15, 2013, and was filed six days late.

Late C-3 Reports (RCW 42.17A.235 and 42.17A.240)

6. Save Whatcom filed seven C-3 reports late disclosing $151,525 in contributions received during the 2013 election cycle. The seven C-3 reports were filed between three and 28 days late, and included the following contribution information:

   - A September 23, 2013, paper-filed C-3 report disclosed a $5,000 contribution from Richard Donahue had been received and deposited on August 23, 2013. The C-3 report was required be filed by August 26, 2013, and was filed 28 days late.

   - An October 17, 2013, C-3 report disclosed one $12,000 contribution from SSA Marine, Inc. had been received and deposited on October 9, 2013. The C-3 report was required to have been filed by October 14, 2013, and was filed three days late.

   - An October 17, 2013, C-3 report disclosing two $50,000 contributions had been received and deposited on October 10, 2013, one from Cloud Peak Energy, and one from Global Coal Sales. The C-3 report was required to have been filed by October 14, 2013, and was filed three days late.

- An October 17, 2013, C-3 report disclosed six contributions totaling $33,150 had been received on October 10, 2013, deposited on October 11, 2013, that included two $16,000 contributions from Corbin and Barbara Robertson. The C-3 report was required to have been filed by October 14, 2013, and was filed three days late.

- The remaining three late filed C-3 reports totaled $1,375 in contributions received, and were filed between seven and 24 days late, disclosing 13 contributors.

Failure to File Electronically (RCW 42.17A.245)

7. On August 23, 2013, Save Whatcom received and deposited a $5,000 contribution from Richard Donahue. Save Whatcom expected to use this contribution to make expenditures in 2013, and was therefore required to electronically file a C-3 report disclosing this contribution on August 26, 2013. The committee filed the C-3 report electronically 49 days late on October 14, 2013.

8. In addition, Save Whatcom was late in electronically filing, or failed to file, the following C-3 reports:

    - A C-3 totaling $775 was due September 16th and was electronically-filed 31 days late on October 17th;
    - A C-3 totaling $400 was due September 16th and was electronically-filed 31 days late on October 17th;
    - A C-3 totaling $1,623.45 was due September 23rd and was electronically-filed 24 days late on October 17th;
    - A C-3 totaling $1,575 was due September 23rd and was electronically-filed 24 days late on October 17th;
    - A C-3 totaling $1,000 was due October 7th and was electronically-filed 10 days late on October 17th; and
    - A C-3 report totaling $525 was due October 14th and was not filed electronically.

IV. Law

RCW 42.17A.235 and **RCW 42.17A.240** require political committees to file timely, accurate reports of contributions and expenditures. Under the full reporting option, until five months before the general election, C-3 and 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. Beginning five months before the election, weekly C-3 reports are required to be filed every Monday disclosing contributions received and deposited during the previous week.

RCW 42.17A.245 requires newly registered political committees that expect to expend five thousand dollars or more in the current year to file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17A.055.

RESPECTFULLY SUBMITTED this 25th day of November, 2013.

Philip E. Stutzman
Director of Compliance