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

7 IN RE COMPLIANCE WITH RCW 42.17A:

PDC CASE NO. 14-013

FINAL ORDER

8 Bill Littlejohn

9 Respondent.
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12 This matter came before the Washington State Public Disclosure Commission (PDC)
13 on July 8, 2014 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington.
14 Those present included Grant Degginger, Chair; Katrina Asay, Vice Chair; Amit Ranade,
15 Member; and Kathy Turner, Member. In attendance were Kurt Young, Compliance Officer;
16 Andrea McNamara Doyle, PDC Executive Director; Assistant Attorney General Linda Dalton
17 serving as Counsel for PDC staff; and Jana Greer as recorder/reporter of the proceeding. John
18 J. White, Jr. an attorney with Livengood Alskog, was in attendance serving as counsel for the
19 Respondent. The proceeding was open to the public and recorded.

20 This case concerns allegations that the Respondent violated RCW 42.17A.435 by
21 concealing the source of campaign contributions he made in the names of employees of
22 companies in which he had an ownership interest, and that he violated RCW 42.17A.475 by
23 making the contributions using cash rather than the required written instrument. The
24 contributions were made to Citizens Against Fire District 2 Levy, a political committee
25 registered in opposition to Proposition 1, a fire district levy lid lift ballot proposition on the
26 November 5, 2013 general election ballot.

1 The staff investigation found that the Respondent violated RCW 42.17A.435 by
2 concealing the identity of the true source of \$7,500 in cash contributions he made in the names
3 of seven employees of companies in which he has an ownership interest; and RCW
4 42.17A.475 by making seven contributions totaling \$7,500 using cash, rather than the required
5 written instrument.

6 The Commission was provided with a Report of Investigation dated July 1, 2014 (and
7 exhibits); a Notice of Administrative Charges dated July 1, 2014; and a staff memo dated July
8 2, 2014.

9 **Stipulation**

10 The parties jointly submitted a signed Stipulation as to Facts, Violations, and Penalty
11 (Stipulation). Ms. Dalton summarized the Stipulation and comparable cases, and asked the
12 Commission to take appropriate action by accepting the Stipulation. Mr. White urged the
13 Commission to accept the Stipulation.

14 The Commission voted 4-0 to accept the Stipulation as to Facts, Violations, and
15 Penalty.

16 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

17 Based upon the Stipulation, which is hereby attached and incorporated by reference, the
18 Commission finds and concludes:

- 19 1. The Jurisdiction, Facts, Legal Authority, and Violations are established as provided in
20 the Stipulation.
- 21 2. Respondent committed multiple violations of RCW 42.17A.435 and RCW 42.17A.475
22 as provided in the Stipulation.
- 23 3. A civil penalty of \$60,000 with \$30,000 suspended on the conditions enumerated below
24 is an appropriate resolution of this matter with respect to the Respondent.
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- 1
2 4. Respondent agrees to pay \$4,000 in investigative costs associated with this matter
3 within 60 days of the date of this Order.
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5 **II. ORDER**

6 Based upon the findings and conclusions, the Commission orders that:

- 7 1. The Stipulation is accepted.
8 2. The Respondent, Bill Littlejohn is assessed a civil penalty of \$60,000. Of the total
9 penalty amount, \$30,00 is suspended based on Respondent's compliance with the
10 following conditions:
11 a. Respondent is not found to have committed further violations of RCW 42.17A
12 within four years from the date of the Commission's Final Order in this matter;
13 and
14 b. Respondent pays the non-suspended portion of the penalty (\$30,000) within 60
15 days from the date of entry of the Commission's Final Order in this matter.
16
17 3. In the event Respondent fails to meet either of the terms in paragraph 2, the suspended
18 portion of the penalty (\$30,000) shall become due without any further intervention of the
19 Commission.
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21 4. The Respondent shall pay an additional \$4,000 for investigative costs within 60 days of
22 the date of this Order.

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

2 So ORDERED this 5th day of August, 2014.

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4 WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

5 FOR THE COMMISSION:

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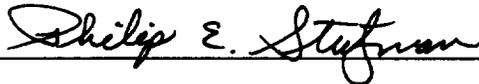
7 Andrea McNamara Doyle
8 Executive Director

9 **ATTACHMENTS**

- 10 (1) Stipulation as to Facts, Violation, and Penalty
11 (2) Appeals and Enforcement of Final Orders

12 *Copy of this Order sent to:*
13 John J. White, Jr.
14 Livengood Alskog, PLLC
15 121 Third Avenue
16 Post Office Box 908
17 Kirkland, WA 98083-0908

18 I, Philip E. Stutzman certify that I mailed a copy of this
19 order to the Respondent/Applicant at his/her respective address
20 postage pre-paid on the date stated herein.

21 



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

In the Matter of Enforcement Action
Against:

Bill Littlejohn

Respondent.

Case No. 14-013

STIPULATION AS TO FACTS,
VIOLATIONS AND PENALTY

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Andrea McNamara Doyle, and Respondent, Bill Littlejohn, through his attorney, John J. White, Jr., submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

I. JURISDICTION

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance disclosure law; RCW 34.05, the Administrative Procedure Act; and the Commission's rules located at WAC 390.

II. FACTS

Background

1. Bill Littlejohn has an ownership interest in the following businesses located in the City of Sequim, and in Clallam County: Olympic Ambulance; Sherwood Assisted Living; and Olympic Oxygen. These businesses provide ambulance, EMT, first responder, and related services on the Olympic Peninsula.

2. On September 9, 2013, Citizens Against Fire District 2 Levy (CAFD 2 Levy) registered as a political committee in opposition to Proposition 1, a fire district levy lid lift ballot proposition on the November 5, 2013 general election ballot. The ballot proposition failed. Had it passed, some of Mr. Littlejohn's businesses would have been negatively affected. Both the committee officials and Mr. Littlejohn stated that Mr. Littlejohn had no involvement in the formation of the committee or its operations.
3. Mr. Littlejohn had previously publicly opposed a levy measure in another jurisdiction, a 2010 annexation measure involving the merger of Mason County Fire District No. 5 with the City of Shelton . Mr. Littlejohn stated that he believed his business had subsequently been retaliated against as a result of his 2010 measure opposition in Mason County.

Concealed Contributions and Contributions Made with Cash Instead of Written Instrument

4. On September 19 and September 27, 2013, Mr. Littlejohn made seven cash contributions totaling \$7,500 to CAFD 2 Levy in opposition to Proposition 1. Mr. Littlejohn made the contributions by placing the cash in separate envelopes with the names and contact information for seven of his employees on the outside of each envelope.
5. Mr. Littlejohn sought and received permission from six of the seven employees he identified as the source of the contribution to make a contribution in their name with his money. The six employees stated that they gave Mr. Littlejohn permission, not realizing that there is a prohibition against making a contribution in name of another person. According to the seventh employee, Mr. Littlejohn did not ask for permission to make a contribution in his name.
6. The contributions were made in cash, and not by a written instrument containing the name of the donor (Bill Littlejohn) and the name of the payee (Citizens Against Fire District 2 Levy).
7. CAFD 2 Levy reported seven contributions from Mr. Littlejohn's employees, on September 19 and September 27, 2013, as follows:

- 1) Corrine Notar: \$1,250 contribution; Bookkeeper, Olympic Ambulance (September 19, 2013);
 - 2) Linda Mellott: \$1,250 contribution; Accountant, Sherwood Assisted Living (September 19, 2013);
 - 3) Frank Beutler: \$1,000 contribution; Service Technician, Olympic Oxygen (September 27, 2013);
 - 4) Gail Reader: \$1,000 contribution; Billing Manager, Olympic Ambulance (September 27, 2013);
 - 5) Todd McClain: \$1,000 contribution; Technician, Olympic Oxygen (September 27, 2013);
 - 6) Rena Keith: \$1,000 contribution; Administrator, Olympic Ambulance (September 27, 2013); and
 - 7) John Schonig: \$1,000 contribution; Fleet Manager, Olympic Ambulance (September 27, 2013).
8. The seven individuals listed above are employees of Mr. Littlejohn, and all confirmed that they did not make a contribution to CAFD 2 Levy with their own funds.

Mr. Littlejohn stated he made these contributions in this manner because he wanted to keep a low profile during the election. Mr. Littlejohn stated he was concerned that there would be retaliation against him or his employees who were covered by collective bargaining agreements similar to what he experienced when he made contributions to oppose a ballot proposition in 2010 in Mason County.

III. STATUTORY AUTHORITY

RCW 42.17A.435 states that no contribution shall be made in a fictitious name, by one person through an agent, relative, or other person, or anonymously, in such a manner as to

conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

RCW 42.17A.475 requires certain contributions to be made by written instrument and states: “(1) A person may not make a contribution of more than *eighty dollars, other than an in-kind contribution, except by a written instrument containing the name of the donor and the name of the payee.” *By rule, the eighty dollar threshold has been increased to one hundred dollars.

IV. VIOLATIONS

Based on the Stipulation of Facts set forth above, Respondent Bill Littlejohn stipulates that he committed multiple violations of RCW 42.17A.435 by concealing the identity of the true source of \$7,500 in contributions he made in the name of seven employees of companies in which he has an ownership interest to Citizens Against Fire District 2 Levy; and RCW 42.17A.475 by failing to make the seven contributions by a written instrument containing the name of the donor and the name of the payee.

V. PENALTY

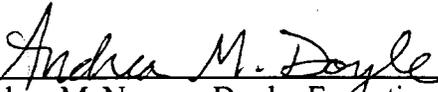
Based upon the Stipulation of Facts and Violations set forth above, Respondent Bill Littlejohn agrees to pay a total civil penalty of \$60,000 with \$30,000 suspended on the following conditions:

1. Respondent does not commit any same or similar violations of RCW 42.17A within four years of the date of the Commission’s Final Order in this matter; and
2. Respondent pays the non-suspended portion of the penalty (\$30,000) within 60 days of the date of entry of the Commission’s Final Order in this matter.

In the event that Respondent fails to meet any or all of conditions 1-2, the suspended portion of the penalty (\$30,000) shall become immediately due without any further action by the Commission.

Additionally, Respondent agrees to pay \$4,000 in investigative costs associated with this matter no later than 60 days of the date of the entry of the Final Order in this matter.

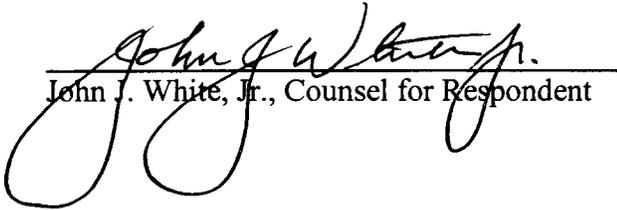
Respondent Bill Littlejohn affirms his intention to comply in good faith with the provisions of RCW 42.17A in the future.



Andrea McNamara Doyle, Executive Director
Public Disclosure Commission

7/7/2014

Date Signed



John J. White, Jr., Counsel for Respondent

7/7/14

Date Signed

INFORMATION ABOUT APPEALS AND ENFORCEMENT OF FINAL ORDERS

APPEALS

RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150*. (Note that the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A final order issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.