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

9 IN RE COMPLIANCE WITH RCW 42.17A:

PDC CASE NO. 15-042

10 Kitsap County Deputy Prosecuting Attorney  
11 Guild

FINAL ORDER

12 Respondent.

13 **I. INTRODUCTION**

14 This matter was heard by the Washington State Public Disclosure Commission (PDC) on  
15 May 28, 2015 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington 98504.  
16 The hearing was held pursuant to RCW 34.05, 42.17A, and WAC 390-37. The proceeding was  
17 open to the public, recorded, and videotaped.

18 Commissioners Grant Degginger, Chair, Katrina Asay, Vice Chair, and Members Anne  
19 Levinson and John Bridges were present. Acting Assistant Director Tony Perkins presented the  
20 matter on behalf of PDC staff. Respondent appeared through Philip Bacus, President of the  
21 Guild, who participated by telephone and addressed the Commission.

22 The PDC had before it the following materials:

- 23 1. Notice of Administrative Charges dated May 15, 2015;  
24 2. Report of Investigation and attached Exhibits 1–4, dated May 15, 2015; and  
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1 “Contribution” is defined to include “(ii) An expenditure made by a person in  
2 cooperation, consultation, or concert with, or at the request or suggestion of, a  
3 candidate, a political committee, the person or persons named on the candidate's or  
4 committee's registration form who direct expenditures on behalf of the candidate or  
5 committee, or their agents; [and] (iii) The financing by a person of the dissemination,  
6 distribution, or republication, in whole or in part, of broadcast, written, graphic, or  
7 other form of political advertising or electioneering communication prepared by a  
8 candidate, a political committee, or its authorized agent[.]”

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10 3. WAC 390-05-210(2) *Duplicating political advertising* provides:

11 “The financing by a person of the dissemination, distribution, or republication, in  
12 whole or in part, of broadcast, written, graphic, or other form of political advertising  
13 prepared by a candidate, a political committee, or the authorized agent of a candidate  
14 or political committee is a contribution to the candidate or political committee.”

15 4. RCW 42.17A.405(2) provides:

16 The amount of contributions that a person, other than a bona fide political party or a  
17 caucus political committee, may make to a candidate for county office, is limited to  
18 \$950 per election. WAC 390-05-400 revises the dollar amounts for the contribution  
19 limits to reflect changes in economic conditions.

20 5. The PDC Staff has the burden of proving a violation of RCW 42.17A.405 by a  
21 preponderance of the evidence.

22 6. PDC Staff did not meet its burden of proving that Respondent violated RCW  
23 42.17A.405 by making an over-limit in-kind contribution in the amount of approximately \$1,151  
24 to the 2014 Russell Hauge re-election campaign, by copying graphic content, a picture of Mr.  
25 Hauge, and endorsement quotes from Mr. Hauge’s publically available campaign website, and  
26 using this material in political advertising reported as an Independent Expenditure in support of  
Mr. Hauge.

#### IV. ORDER

Based upon the findings and conclusion, the Commission orders that:

1. The Stipulation is accepted as to Facts, but is rejected as to Violation and Penalty.

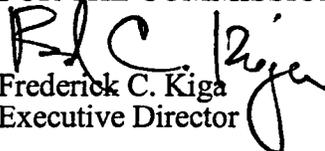
1           2. The allegations against Respondent Kitsap County Deputy Prosecuting Attorney  
2 Guild are dismissed.

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

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5 So ORDERED this 10 day of June, 2015.

6 WASHINGTON STATE PUBLIC  
7 DISCLOSURE COMMISSION

8 FOR THE COMMISSION:

9   
10 Frederick C. Kiga  
11 Executive Director

12 **ATTACHMENTS:**

13 *(1) Stipulation as to Facts, Violation, and Penalty (May 27, 2015)*

14 *Copy of this Order to:*

15 Philip Bacus, President, Kitsap County Prosecuting Attorney Guild

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I, <u>Philip E. Stutzman</u> 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.
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27 **NOTICE: RECONSIDERATION**

28 PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY  
29 FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE  
30 (21) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY  
31 REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR  
32 THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE  
33 WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY,  
34 ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.

35 **NOTICE: PETITION FOR JUDICIAL REVIEW**

36 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,  
37 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW  
38 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE  
39 FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND  
40 THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE  
41 DATE THIS FINAL ORDER IS SERVED UPON YOU.