



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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December 10, 2007

2005 & 2009 ROBERT FERGUSON CAMPAIGNS  
8255 2<sup>ND</sup> AVENUE NE  
SEATTLE, WA 98115

Subject: PDC Case No. 08-060

Dear Mr. Ferguson:

Enclosed is the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. The Order assessed a penalty of \$500 against your 2005 and 2009 campaigns, of which \$300 was suspended on the condition that no further violations of RCW 42.17 are committed through the end of calendar year 2009.

The \$200 non-suspended portion of the penalty is due at this time.

If you have questions, please contact me at (360) 664-8854; toll free at (877) 601-2828 or by email at [kyoung@pdcc.wa.gov](mailto:kyoung@pdcc.wa.gov).

Sincerely,

Kurt Young  
Compliance Officer

Enclosure





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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

2005 & 2009 ROBERT FERGUSON CAMPAIGNS  
8255 2<sup>ND</sup> AVENUE NE  
SEATTLE, WA 98115

In Re the Matter of	)	PDC Case No. 08-060
2005 & 2009 Robert Ferguson Campaigns	)	Findings of Fact,
	)	Conclusions of Law and
Respondent.	)	<b>Order Imposing Fine</b>
	)	

A brief enforcement hearing (brief adjudicative proceeding) was held November 26, 2007, in Room 206, Evergreen Plaza Building, Olympia, Washington to consider whether the Respondent's 2005 & 2009 campaigns violated RCW 42.17.080 and .090 by failing to timely file Monetary Contribution Reports (PDC Form C-3) and Summary Contribution and Expenditure Reports (PDC Form C-4).

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Bill Brumsickle was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent appeared in person and presented testimony to the Presiding Officer.

Brief enforcement hearing notice was sent to the Respondent on November 16, 2007. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent was first elected to the King County Council at the November 4, 2003 general election. After a King County Charter Amendment was approved on November 2, 2004, reducing the number of King County Council members from thirteen to nine, the Respondent filed a 2005 Candidate Registration Statement (PDC Form C-1), seeking re-election to the newly consolidated King County Council District. He was successfully re-elected in the 2005 general election.
2. On May 9, 2007, the Respondent filed a C-1 seeking re-election to the King County Council in 2009.
3. The Respondent's 2005 and 2009 campaigns filed two Summary Contribution and Expenditure Reports (PDC Form C-4) that were 356 to 475 days late.



4. The Respondent's 2005 campaign filed a C-4 report on June 1, 2007, covering the period January 1 through May 13, 2006, disclosing \$675 in contributions and \$19,650 in expenditures. The C-4 report was due on February 10, 2006 and was filed 475 days late. The C-4 listed \$19,650 in expenditures that were late filed, however \$17,525 of the expenditures were a transfer to the Robert Ferguson Surplus Funds Account.
5. The Respondent's 2009 campaign filed a C-4 report on June 1, 2007, covering the period of May 13, 2006 to April 30, 2007, disclosing \$18,080 in contributions and \$11,316.07 in expenditures. This initial C-4 report for the 2009 campaign due June 10, 2006, was filed 356 days late.
6. The Respondent's 2009 campaign filed a total of eleven Monetary Contributions Reports (PDC Form C-3) on June 1, 2007. The C-3 reports were filed from 22 to 417 days late. The late filed C-3 reports totaled \$18,455 and disclosed contributions that were received during the period of March 3 – November 27, 2006.
7. The Respondent stated that he took responsibility for the late filings of his 2005 and 2009 campaigns. He said that prior to the complaint being filed his campaign was aware of the lack of timeliness in filing the campaign reports and he had hired an experienced campaign treasurer, Phil Lloyd to bring the campaign reports up to date.

#### CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent's 2005 & 2009 campaigns violated RCW 42.17.080 and .090 on multiple occasions by failing to timely file Monetary Contribution Reports (PDC Form C-3) and Summary Contribution and Expenditure Reports (PDC Form C-4).

#### ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$500, of which \$300 is suspended on the condition that no further violations of RCW 42.17 are committed through the end of calendar year 2009.**

This is an **Initial Order** of the Public Disclosure Commission. There are two ways the Respondent may appeal this order to the Commission. Once the order becomes a final order, it may also be appealed to Superior Court.

### REVIEW OF INITIAL ORDER - COMMISSION

- a. The Respondent may request a review of this Initial Order by the entire Commission.
- b. The request may be made orally or in writing, and must be received at the Public Disclosure Commission office within **21 business days** after the postmark date of this Initial Order. The Respondent must state the reason for the review, and identify what alleged errors are contained in the initial order.
- c. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.
- d. By law, a request for review of the initial order is deemed to have been denied if the Commission does not make a disposition of the matter within 20 business days after the request is submitted.
- e. If the Commission is unable to schedule a meeting to consider the Respondent's request for review within 20 business days, the Initial Order becomes a Final Order and the matter will automatically be treated as a request for reconsideration of a final order unless the Respondent advises the Commission otherwise. The matter will be scheduled before the full Commission as soon as practicable.
- f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 business days, the request must now be put in writing. (See Reconsideration of Final Order below.)
- g. If no request for review is received within 21 business days, this order will automatically become a **Final Order** of the Commission, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 42.17.395, RCW 34.05.470 and RCW 34.05.570).

### RECONSIDERATION OF FINAL ORDER - COMMISSION

- a. Any party may ask the Commission to reconsider a final order. The request must be in writing and must include the specific grounds or reasons for the request. Grounds for reconsideration shall be limited to:
  - i) A request for review was deemed denied in accordance with WAC 390-37-144(4);
  - ii) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or
  - iii) Significant typographical or ministerial errors in the order.
- b. The request must be delivered to the Public Disclosure Commission office within **21 business days** after the postmark date of this order.
- c. The Public Disclosure Commission is deemed to have denied the request for reconsideration if, within 20 business days from the date the request is filed, the

Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. (RCW 34.05.470).

- d. The Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court. (RCW 34.05.470).

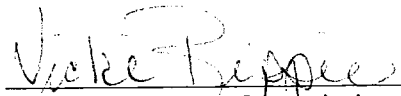
#### **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this Final Order on the parties. (RCW 34.05.542(2)).
- c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

#### **ENFORCEMENT OF FINAL ORDERS**

- a. If there is no timely request for review or reconsideration, this Initial Order becomes a Final Order. The Respondent is legally obligated to pay any penalty assessed.
- b. The Commission will seek to enforce a final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

Entered this 10<sup>th</sup> day of December, 2007.

  
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Public Disclosure Commission *DR*  
Vicki Rippie  
Executive Director