



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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July 12, 2016

The Honorable Robert Ferguson
Attorney General
1125 Washington St SE
PO Box 40100
Olympia, WA 98504-0100

RE: Washington State Public Disclosure Commission Recommendation Following Staff
Investigation re: Kim Wyman, PDC Case 5925

Dear Attorney General Ferguson:

This letter concerns the matter that your office referred to the Public Disclosure Commission for review and possible investigation on June 14, 2016 in response to a 45-day Citizen Action Complaint (Complaint) filed with the Attorney General on June 2, 2016 by Jaxen Ravens, Chair of the Washington State Democratic Party. The Complaint alleged that Respondent Kim Wyman failed to timely file Monetary Contributions reports (C-3 reports) and Campaign Summary Contribution and Expenditure report (C-4 reports) disclosing contribution and expenditure activities undertaken in April of 2016, alleged violations of RCW 42.17A.235 and RCW 42.17A.240.

Staff reviewed the complaint and prepared a Report of Investigation, Executive Summary, and Staff Analysis concerning the alleged violations by Secretary Wyman. Copies of the Report of Investigation, exhibits, and Executive Summary and Staff Analysis are enclosed with this letter.

The Commission considered the results of staff's investigation at a special Commission meeting held July 8, 2016. At the meeting, PDC staff presented its Executive Summary and Staff Analysis, which included a recommendation regarding the allegations.

Staff Conclusion

As noted in the attached Executive Summary and Staff Analysis, staff concluded that:

- The Citizens for Kim Wyman Campaign (Campaign) filed 11 C-3 reports disclosing \$30,567.50 in monetary contributions received 10 days late.
- The Campaign filed an amended April 2016 C-4 report disclosing the receipt of \$30,568 in new monetary contributions received, and \$943 in new expenditures, which were disclosed 10 days late.

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- In a May 22, 2016 letter to the PDC, Secretary Wyman “self-reported” that her Campaign late-filed the April 2016 contribution and expenditure reports, and offered the mitigating factor of a medical issue involving one of her Campaign’s volunteer Compliance staff.

Commission Recommendation

In a unanimous vote, the Commission found apparent violations of RCW 42.17A.235 and RCW 42.17A.240 the 2016 Citizens for Kim Wyman and recommends that the Attorney General take appropriate action concerning the Respondents’ apparent violations.

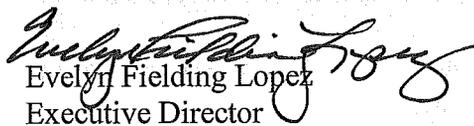
In making this recommendation, the Commission wishes to convey its concerns about the possible use of the Citizen’s action process against Secretary Wyman for what appears to be minor or “technical violations” of RCW 42.17A. The campaign finance reports that were the subject of the Citizens Action Letter were filed 10 days late by the Campaign, and more than 73 days prior to the August 2, 2016 primary election being held.

During its presentation to the Commission, PDC staff noted that the fact pattern of late reporting in Secretary Wyman’s case is similar to those raised by hundreds of filers over the years concerning some type of medical issue or family emergency that contributed to late filed reports. Those issues have been raised by candidates, elected officials, political committee officers, officers of political party organizations, and registered lobbyists, and very few of those instances have led to enforcement or to a complaint being filed.

Finally, the Commission noted that had this complaint been filed with the PDC rather than as a citizen action letter, the disposition could have been handled by the Commission through a Brief Adjudicative proceeding, Full Commission hearing, or the use of the “Alternative responses to noncompliance” rule adopted by the Commission in WAC 390-37-060(1)(b).

If you have questions, please contact me at (360) 664-2735. Thank you.

Sincerely,


Evelyn Fielding Lopez
Executive Director

Enclosure

cc: Commissioners
Linda A. Dalton, Sr. Assistant Attorney General
Jaxen Ravens, Washington State Democratic Central Committee
Dan Brady, Counsel for Secretary Wyman