



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

April 29, 2016

STATE SENATOR PAM ROACH
PO BOX 682
AUBURN WA 98071

Sent by U.S. Mail and electronically to: pamroach@aol.com

Subject: PDC Case No. 2329 – Initial Order

Dear Senator Roach:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. The Presiding Officer assessed a \$500 civil penalty, of which \$250 is suspended on the following conditions: 1) within 30 days from the date of the Order, you comply with all current reporting obligations under RCW 42.17A; 2) the \$250 non-suspended portion of the penalty is paid within 30 days from the date of the Order; 3) that you commit no further violations of RCW 42.17A for four years from the date of the Order.

Regarding the first condition of the suspended penalty, we have noted that following the close of the most recent C-4 report for your 2016 Pierce County Council campaign on November 30, 2015, you received more than \$200 in contributions during December 2015. A C-4 report disclosing these contribution deposits was due by January 10, 2016, and has not been filed. Please file this C-4 report, and any other reports owed for your county council campaign, by May 29, 2016.

Additionally, in reviewing C-3 contribution reports filed for your county council campaign during December 2015, we noted a \$4,600 transfer from surplus Senate contributions on December 11, 2015. Our review indicates that you have not disclosed a \$4,600 expenditure from surplus funds, either through your 2014 State Senate campaign, or through a separate surplus funds account. By May 29, 2016, please file a C-4 disclosing this surplus funds expenditure, and any other as-yet undisclosed surplus funds activity connected with your 2014 State Senate campaign.

Finally, please pay the \$250 non-suspended portion of the penalty in PDC Case 2329 by May 29, 2016. Please make the check or money order payable to "WA STATE TREASURER," reference PDC Case No. 2329 in the memo line of the check or money order, and mail the penalty to:

WA State Treasurer - Public Disclosure Commission
Financial Office
PO Box 41465
Olympia, WA 98504-1465

State Senator Pam Roach
Initial Order - PDC Case 2329
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Thank you for your participation in the Brief Enforcement hearing. If you have questions, please contact me at (360) 586-1042 or by email at tony.perkins@pdc.wa.gov. If you need assistance with filing reports, please contact PDC Filer Assistance Specialists Jennifer Hansen at (360) 586-4560 (email at jennifer.hansen@pdc.wa.gov) or Chip Beatty at (360) 586-0616 (email at chip.beatty@pdc.wa.gov).

Sincerely,



Tony Perkins
PDC Compliance Officer

Enclosures: Initial Order in Case No. 2329
Information about Appeals and Enforcement of Final Orders



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

STATE SENATOR PAM ROACH
PO BOX 682
AUBURN WA 98071

In Re Compliance with RCW 42.17A

Pam Roach 2014 Campaign

Respondent.

PDC Case No. 2329

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

A brief enforcement hearing (brief adjudicative proceeding) was held by the Public Disclosure Commission (PDC) on April 28, 2016, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Pam Roach 2014 Campaign violated RCW 42.17A.235 and 42.17A.240 by failing to timely file Monetary Contributions reports (C-3 reports), and violated RCW 42.17A.245 by failing to timely file C-3 reports and Summary Campaign Contributions and Expenditures reports (C-4 reports) using the required electronic method.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to the Pam Roach 2014 Campaign on April 14, 2016. Commission Vice Chair Anne Levinson was the Presiding Officer. The Commission staff was represented by Tony Perkins, Compliance Officer. State Senator Pam Roach participated in the proceeding and provided testimony to the Presiding Officer.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. State Senator Pam Roach was a candidate for re-election to her office in the November 4, 2014 general election.
2. In her prior campaign for State Senate in the November 2, 2010 general election, Senator Roach spent approximately \$125,000. She was therefore required under RCW 42.17A.245 to file all contribution and expenditure reports for her 2014 re-election campaign via the electronic alternative provided by the Commission.
3. In an email submitted to PDC staff on January 15, 2014, Senator Roach requested a temporary exception to the electronic filing requirement of RCW 42.17A.245, as permitted

by RCW 42.17A.245(1). In her request, Senator Roach stated that her campaign treasurer was then out of the country but would return in February 2014 to resume her duties.

4. At its regular meeting on January 23, 2014, the Public Disclosure Commission considered Senator Roach's request. On January 27, 2014, PDC staff notified Senator Roach by letter that the Commission had granted a temporary exception from the electronic filing requirement, on the condition that by March 10, 2014, she electronically file all required C-3 and C-4 reports disclosing contribution and expenditure activity through February 2014.
5. The Pam Roach 2014 campaign did not file electronic reports of contribution and expenditure activity during this time period until May 8 and 9, 2014, approximately two months after the March 10, 2014 extension approved by the Commission.
6. In its electronic filings submitted on May 8 and 9, 2014, the Pam Roach 2014 campaign disclosed \$8,150 in contributions received from September 3 – December 12, 2013 for the first time. The contributions were required to be reported in C-3 filings due from October 10, 2013 – January 10, 2014, and were disclosed between 118 - 210 days late.
7. Senator Roach has two prior instances of enforcement action before the Commission regarding disclosure of contribution and expenditure activity, one occurring in 2001 and one occurring in 2006.
8. Senator Roach has no prior instances of enforcement action involving the failure to report using the Commission's approved alternative for electronic filing.

CONCLUSIONS OF LAW

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

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.235 and 42.17A.240 by failing to timely file C-3 reports disclosing \$8,150 in contributions received from September 3 – December 12, 2013.
3. The Respondent violated RCW 42.17A.245 by failing to electronically file all required C-3 and C-4 reports disclosing contributions and expenditures through February 2014 by the March 10, 2014 deadline specified by the Commission in approving a temporary exception on January 23, 2014.

ORDER

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

IT IS HEREBY ORDERED that the Respondent is assessed a \$500 civil penalty, of which \$250 is suspended on the following conditions:

1. **Within 30 days from the date of the Order, Pam Roach is in compliance with all current reporting obligations under RCW 42.17A;**
2. **The \$250 non-suspended portion of the penalty is paid within 30 days from the date of the Order; and**

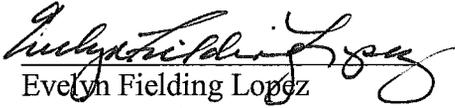
3. Pam Roach commits no further violations of RCW 42.17A for four years from the date of the Order.

In the event you fail to meet any of the terms of the suspended penalty, the suspended portion of the penalty (\$250) shall become due without any further intervention of the Commission.

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 29th day of April, 2016.

Public Disclosure Commission


Evelyn Fielding Lopez
Executive Director

I, Evelyn Fielding Lopez 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.

Enclosure: Information about Appeal Rights

**INFORMATION ABOUT APPEALS OF INITIAL ORDERS,
FURTHER APPEAL RIGHTS,
AND ENFORCEMENT OF FINAL ORDERS**

APPEALS

REVIEW OF INITIAL ORDER - BY THE COMMISSION

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission **review** an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review. *WAC 390-37-144.*
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request. If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below.

If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable. If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order**. At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570.*

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: 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.