



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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February 10, 2016

CHRISTOPHER HURST  
62504 INDIAN SUMMER WAY E  
ENUMCLAW WA 98022

Subject: Complaint filed against Pam Roach Surplus Funds Account, PDC Case No. 14-058

Dear Representative Hurst:

PDC staff has completed its investigation of your complaint received on June 2, 2014, alleging that the Pam Roach Surplus Funds Account violated RCW 42.17.095, .080, .090, and RCW 42.17A.430, .235 and .240 by failing to disclose any surplus funds account activity after September 18, 2002.

Your complaint was considered in light of the following statutes:

**RCW 42.17.095** enumerates the authorized uses of a candidate's surplus campaign funds, including disposal by "[*Holding*] the surplus in the depository or depositories designated in accordance with RCW 42.17.040 for possible use in a future election campaign for the same office last sought by the candidate and [*reporting*] any such disposition in accordance with RCW 42.17.090." The law goes on to require that "If the candidate subsequently announces or publicly files for office, the appropriate information must be reported to the commission in accordance with RCW 42.17.040 through 42.17.090."<sup>1</sup>

**RCW 42.17.080 and .090** dictate the timing and content of reports owed by candidates to disclose contribution and expenditure activity.

PDC staff reviewed your complaint, PDC reports and data submitted by Senator Roach's election campaigns from 2002 to the present, reports the Senator submitted of surplus funds activity from 2000 to 2002, and two responses to the complaint the Senator submitted on June 27, 2014. Finally, PDC staff conducted an informal interview with Senator Roach. As a result of staff's investigation, we found the following:

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<sup>1</sup> Effective January 1, 2012, RCW 42.17.040, RCW 42.17.090, and RCW 42.17.095 were recodified as RCW 42.17A.205, RCW 42.17A.235, and RCW 42.17A.240, respectively.

- Senator Roach filed a C-1 Candidate Registration on January 6, 2000 to register a surplus funds account with the PDC. The account generated reports of surplus funds activity in 2000, 2001, and 2002. The last report filed was on September 18, 2002, for the period ending on September 14, 2002.
- In responding to the complaint, Senator Roach stated that she attempted to piece together records documenting her activity from surplus campaign funds during the more than a decade covered by the complaint. She stated that doing so was made difficult by the unavailability of many of the records in question.
- Senator Roach described expenditures and withdrawals made from her surplus campaign funds between 2002 and 2007. PDC staff noted that the entirety of the activity she described fell outside of the 5-year statute of limitations provided by RCW 42.17.410.
- At the conclusion of her 2010 re-election campaign, Senator Roach moved \$9,184.93 in surplus campaign funds from that campaign's account into an interest-bearing account in the same institution.
- Only two withdrawals were made from Senator Roach's interest-bearing account during the four years from her 2010 campaign to the time of the complaint. Those withdrawals, for \$1,702 in expenses related to the Senator's 2014 re-election campaign, were required to be disclosed in reports filed by that campaign. (This reporting requirement is addressed in PDC staff's report on PDC Case 14-057, a separate complaint you filed against the Pam Roach 2014 Campaign on June 2, 2014.)
- Following these two withdrawals, Senator Roach stated that the balance of surplus funds in her interest-bearing account stood at \$7490.22, which included \$7.84 interest earned over three years.

After a careful review of the alleged violations and relevant facts, PDC staff have concluded our investigation. As discussed above, nearly all of the surplus funds activity reviewed in this investigation fell outside the time period for limitation on state actions. Senator Roach's requirement to disclose two expenses from surplus funds related to her 2014 campaign is being addressed separately, in response to the complaint filed in PDC Case 14-057.

Because staff's investigation has not revealed evidence of a material and actionable violation of any laws or regulations under the Commission's jurisdiction by Senator Roach's Surplus Funds Account, I am dismissing your complaint against that account with the concurrence of the Chair of the Public Disclosure Commission. Senator Roach

will be cautioned to report the future disposition of surplus funds, including all transfers into and withdrawals or payments from her separate Surplus Funds Account.

I sincerely regret how long it has taken to bring this matter to conclusion, and appreciate your patience as PDC compliance staff members have worked their way through the backlog of complaints from the 2013 and 2014 election seasons.

If you have questions, please contact Tony Perkins, PDC Compliance Officer, at (360) 586-1042, toll-free at 1-877-601-2828, or by e-mail at [tony.perkins@pdc.wa.gov](mailto:tony.perkins@pdc.wa.gov).

Sincerely,

  
Evelyn Fielding Lopez  
Executive Director

cc: State Senator Pam Roach