

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

In the Matter of Enforcement Action
Against:

Patrick Myers

Respondent.

PDC Case No. 8116

STIPULATION AS TO
FACTS, VIOLATIONS AND
PENALTY

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Peter Lavalley, and Respondent Patrick Myers, submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

JURISDICTION

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance and disclosure laws; RCW 34.05, the Administrative Procedure Act; and WAC 390.

FACTS

1. On February 16, 2016, Richard E. Anderson filed a Candidate Registration (C-1 report) with the PDC declaring his candidacy for Pacific County PUD Commissioner, District #2, Position No. 3 in 2016.
2. Mr. Anderson was a first-time candidate for public office in 2016, selecting the Mini Reporting option.

3. Mr. Anderson listed Patrick S. Myers as his Campaign Treasurer and only officer. Mr. Myers is also the Publisher of the Willapa Harbor Herald, a local newspaper in Pacific County, and he served in that capacity during the entire time he served as Mr. Anderson's Treasurer.
4. Between May 25 and the August 2, 2016 primary election, the Willapa Harbor Herald sponsored a banner or full-page advertisement in support of Mr. Anderson's candidacy in almost every weekly edition of the Willapa Harbor Herald.
5. While serving as Mr. Anderson's Treasurer, Mr. Myers, as Publisher of the Willapa Harbor Herald, filed a total of 19 C-6 reports disclosing that the Herald ran 19 banner or full-page newspaper advertisements in support of Mr. Anderson totaling \$10,140.
6. Mr. Myers signed each C-6 report declaring, under the penalty of perjury, that each expenditure disclosed in support of Mr. Anderson's campaign was not, "made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17A.005."
7. On September 14, 2016, Mr. Anderson filed an amended C-1 report removing Mr. Myers as the Treasurer for the Anderson campaign.
8. Since Mr. Myers was the Treasurer of Mr. Anderson's Campaign and, at the same time, was authorizing the free newspaper advertisements to run in the Willapa Harbor Herald in support of Mr. Anderson, those advertisements were not independent expenditures or electioneering communications. Rather, the advertisements were reportable in-kind contributions to the Richard Anderson campaign.
9. Regarding the newspaper advertisements that ran in the Willapa Harbor Herald, Mr. Myers stated that he "*created the message, as I knew of Mr. Anderson's positions from attending the meetings.*" He also stated that he had "*produced the large ad and it was placed by the production department.*"

STATUTORY AND RULE AUTHORITY

RCW 42.17A.005(47) states: “‘Treasurer’ and ‘deputy treasurer’ mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.”

RCW 42.17A.005(13)(a) states that “‘Contribution’ includes: (i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration; [and] (ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents.”

RCW 42.17A.145 concerns the certification of reports and states: “Every report and statement required to be filed under this chapter shall identify the person preparing it, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed.”

RCW 42.17A.255(4) concerns the reporting of independent expenditures, and states: “All reports filed pursuant to this section shall be certified as correct by the reporting person.”

WAC 390-05-210(3) is entitled “**Consulting with a state, local or judicial candidate**” and states: “An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent is a contribution to such candidate. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent when:

...
(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the candidate's authorized committee.”

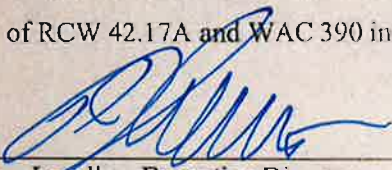
VIOLATIONS

Based on the Stipulation of Facts set forth above, Respondent Patrick Myers stipulates that he violated RCW 42.17A.145 and .255(4) by filing false campaign finance reports disclosing the newspaper advertisements as independent expenditures and electioneering communications made in support of Richard Anderson, when the advertisements were in fact in-kind contributions made in support of Mr. Anderson’s Campaign.

PENALTY

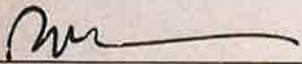
1. Based upon the Stipulation of Facts and Violations set forth above, Respondent Patrick Myers agrees to pay a total civil penalty of \$1,500 with \$500 suspended on the following conditions:
 - a. That the Respondent is not found to have committed any further violations of RCW 42.17A or WAC 390 within four years of the date of the final order in this matter.
 - b. That the Respondent is in compliance with all reporting requirements.
 - c. That the non-suspended portion of the penalty (\$1,000) is paid within thirty days of the date of the final order in this matter.

2. Respondent Patrick Myers affirms his intention to comply in good faith with the provisions of RCW 42.17A and WAC 390 in the future.



Peter Lavalley, Executive Director
Public Disclosure Commission

2/22/2018
Date Signed



Patrick Myers

2/22/2018
Date Signed