



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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

March 28, 2016

Save Our Choice PAC
Attn: Craig Keller
PO Box 16716
Seattle WA 98116

Sent electronically to Craig Keller "info@saveourchoice.us"

Subject: PDC Case No. 15-047

Dear Mr. Keller:

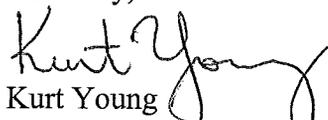
Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. The Presiding Officer assessed a \$500 civil penalty against Save Our Choice PAC, of which \$400 of the penalty is suspended on the following conditions: (1) Save Our Choice PAC commits no further violations of RCW 42.17A for four years from the date of the Order; and (2) The \$100 non-suspended portion of the penalty is paid within 30 days from the date of the Order.

Please pay the \$100 non-suspended portion of the penalty by April 28, 2016, and make the check or money order payable to the "WA STATE TREASURER." Be sure to reference PDC Case No. 15-047 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

Thank you for your participation in the Brief Enforcement hearing. If you have any questions, please contact me at (360) 664-8854; or by email at kurt.young@pdcc.wa.gov.

Sincerely,


Kurt Young
PDC Compliance Officer

Enclosures: Final Order in Case No. 15-047
Information about Appeals and Enforcement of Final Orders



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Save Our Choice PAC
Attn: Craig Keller
PO Box 16716
Seattle WA 98116

In Re Compliance with RCW 42.17A

Save Our Choice PAC

Respondent.

PDC Case No. 15-047

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 March 15, 2016, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Save Our Choice PAC, a local continuing political committee, violated: (1) RCW 42.17A.205 by failing to timely file Committee Registrations (C-1pc report) as a political committee opposing and supporting several ballot propositions; and (2) RCW 42.17A.235 and .240 by failing to timely file Monetary Contributions reports (C-3 reports) and Campaign Summary Contribution and Expenditures reports (C-4 reports).

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 Save Our Choice PAC on March 1, 2016. Commission Chair Katrina Asay was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. Craig Keller participated by telephone on behalf of the Respondent and provided testimony to the Presiding Officer.

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

FINDINGS OF FACT

1. The Respondent circulated petitions and gathered signatures for five local ballot measures that included the 2012 City of Seattle and City of Issaquah bag bans; a 2013 City of Shoreline bag ban; a 2013/2014 City of Issaquah bag ban; and a 2014 City of Seattle minimum wage law.

2. The Respondent filed five C-1pc reports, including a November 7, 2013 C-1pc report that disclosed the committee was a ballot measure committee formed to oppose “referenda and initiatives in multiple jurisdictions”, but failed to identify which the jurisdiction or the measure numbers. The Respondent also filed a C-1pc report on January 13, 2014, under the name SOC PAC Prop 1 disclosing they were a ballot measure committee in support of the February 11, 2014, City of Issaquah ballot measure attempting to repeal the city’s plastic bag ban, selecting the Full Reporting option. The C-1pc report was filed 29 days prior to the election being held.
3. On January 22, 2014, the Respondent filed C-4 reports disclosing contribution and expenditures activities undertaken during calendar year 2013 to support or oppose ballot propositions. The C-4 reports that were filed disclosed \$7,725 in monetary and in-kind contributions received, and \$6,495 in expenditures made in 2013 to oppose the 2014 City of Issaquah bag ban, and a 2013 City of Shoreline bag ban.
4. The activities disclosed on the C-4 reports filed by the Respondent included \$2,983 for in-kind contributions and committee loans from B. Keller for printing petitions, postage, ballot title challenges, and other committee costs; \$2,813 in committee expenditures to print petitions and gather signatures for the two ballot measures; and a \$700 expenditure for a partial committee loan/debt repayment made to Mr. Keller.
5. On January 22, 2014, the Respondent filed C-3 reports disclosing monetary contributions received during calendar year 2013 to oppose the City of Issaquah bag ban in 2014, and the 2013 City of Shoreline bag ban. The C-3 reports filed by the Respondent disclosed the following large contributions: (1) A \$3,000 monetary contribution was received on April 30, 2013 from Crown Poly in California, and was disclosed 256 days late; and (2) A \$500 monetary contribution was received from B. Ward on May 3, 2013, and was disclosed 226 days late.
6. On March 2, 2015, the Respondent, a local committee supporting a 2014 City of Seattle referendum to overturn the minimum wage law, filed a C-3 report totaling \$6,500 and disclosing four monetary contributions that had been received in June of 2014 that included a \$5,000 contribution from Garneau Properties, and three \$500 contributions. The C-3 report was due to have been filed no later than July 10, 2014, and was filed 235 days late, and eight months after the signature gathering efforts.
7. On March 2, 2015, the Respondent filed a C-4 report disclosing \$6,500 in monetary contributions received and five expenditures totaling \$4,947 that included \$3,870 to print Charter and Referendum Amendment petitions, an \$876 expenditure to insert petitions into local newspapers, and a \$200 expenditure to an individual for gathering signatures. The C-4 report was due to have been filed by no later than July 10, 2014, and was filed 235 days late.
8. Mr. Keller stated the Respondent attempted to file its reports electronically for the City of Issaquah ballot measure using the Online Reporting of Campaign Activity software (ORCA), but they were initially not successful. He stated the Respondent SOC PAC filed the C-1pc report in November of 2013, and selected the November 2013 general election date only to facilitate the Respondent’s 2013 monthly C-3 and C-4 report filings.

9. Mr. Keller acknowledged the Respondent filed the 2013 and 2014 C-3 and C-4 reports late. Concerning the late filed C-1 pc reports, he stated the Respondent's 2012, 2013 and 2014 committees have all had the same objective, to repeal bag regulation. He stated the Respondent has not supported or opposed any ballot measures or engaged in an active campaign since July of 2014, but have continued filing C-3 and C-4 reports disclosing the outstanding in-kind contribution/loans owed to his personally from prior years.

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 .240 by failing to timely file C-3 and C-4 reports disclosing contribution and expenditure activities undertaken in calendar years 2013 and 2014.
3. The Respondent did not violate RCW 42.17A.205.

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 \$400 of the penalty is suspended on the following conditions:

1. **The Respondent commits no further violations of RCW 42.17A for four years from the date of the Order; and**
2. **The \$100 non-suspended portion of the penalty is paid within 30 days from the date of the Order.**

The Presiding Officer dismissed the allegation that the Respondent violated RCW 42.17A.205 by failing to timely file a Committee Registration.

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

Entered this 28th day of March, 2016.

Public Disclosure Commission


Evelyn Fielding Lopez
Executive Director

I, Kurt Young, 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. Kurt Young 3/25/16

Enclosure: Information about Appeal Rights

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**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.