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

In re the Matter of Enforcement Action  
Against:  
  
DARREL DICKSON and  
VOTEDICKSON.ORG,  
  
Respondent.

PDC CASE NO. 6365  
  
FINAL ORDER

**I. INTRODUCTION**

This matter was heard by the Washington State Public Disclosure Commission (Commission) on September 19, 2019, at the Public Disclosure Commission Office, 711 Capitol Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to Chapter 34.05 RCW, Chapter 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present were William Downing, Commissioner, (presiding); Anne Levinson, Commission Chair, David Ammons, Commission Vice-Chair; and Commissioner Russell Lehman. Also present were Assistant Attorney General John S. Meader representing the Commission; Assistant Attorney General Chad Standifer representing PDC Staff; and Philip Stutzman, Senior Compliance Officer, on behalf of PDC Staff. Mark Lamb, Counsel for the Respondent, Darrel Dickson and VoteDickson.org, appeared telephonically. The proceeding was open to the public and recorded.

1 The hearing concerned allegations that Darrel Dickson and VoteDickson.org (Mr.  
2 Dickson, Respondent) violated RCW 42.17A.405(14) and .240 by accepting over limit in-kind  
3 contributions totaling \$2,806.98 from Karen Jensen and Citizens for a Better Enumclaw (CBE)  
4 and failing to disclose receipt of those contributions by his 2015 campaign.

5 The Commissioners had before them the following materials:

- 6 • Report of Investigation prepared by PDC Senior Compliance Officer Philip Stutzman, dated  
7 December 21, 2018, which included:
  - 8 ○ Notice of Administrative Charges, PDC Case #6365, dated December 21,  
9 2018;
  - 10 ○ Enforcement Hearing Notice, PDC Case #6365, dated December 21,  
11 2018;
  - 12 ○ Exhibits 1-30, combined PDC Case Nos. 6333 and 6365;
- 13 • Respondents' Exhibits 1-21 jointly filed on August 23, 2019, for Case Nos. 6333 and 6365;
- 14 • Staff Supplemental Exhibits 1-43 filed on August 23, 2019 for Case Nos. 6333 and 6365;
- 15 • Proposed Stipulation as to Facts, Violations, and Penalty, PDC Case #6365, submitted by  
16 the parties, executed on September 4, 2019.

## 17 18 **II. STIPULATION**

19 The parties jointly submitted a signed Stipulation as to Facts, Violations, and Penalty  
20 (Stipulation). Mr. Standifer presented the Stipulation, reviewed the aggravating and mitigating  
21 factors, summarized the proposed penalties, confirmed that the Respondent was now in  
22 compliance with all reporting obligations, and asked the Commission to accept the Stipulation.  
23 One comparable case was presented involving in-kind contributions for Judge Gina Tveit that  
24 had a higher penalty due to fewer mitigating factors. Counsel for the Respondent, Mark Lamb,  
25 spoke on behalf of the Respondent, explained the factors that led to the acceptance of over limit  
26 in-kind contributions and the failure to disclose them, represented that Respondent accepted

1 responsibility, and also asked the Commission to accept the Stipulation. The Commission  
2 requested that the parties amend the stipulation to include a provision that the suspended portion  
3 of the penalty would come due without further action of the Commission if there is a violation  
4 of Chapter 42.17A or Title 390 WAC. The Commission further clarified that the suspended  
5 penalty shall not be assessed based solely upon any remediable violation, minor violation, or  
6 error classified by the Commission as appropriate to address by a technical correction. Both  
7 parties accepted the amendments on the record and agreed to amend and re-execute the  
8 Stipulation. The Commission voted 4-0 to accept the amended Stipulation.

### 9 10 **III. FINDINGS OF FACT**

11 1. Darrel Dickson was a first-term incumbent Enumclaw City Council Member and was  
12 challenged during his re-election campaign by Kim Lauk, daughter of State Representative Chris  
13 Hurst, the complainant in this matter. Ms. Lauk defeated Mr. Dickson in the November 3, 2015,  
14 General Election.

15 2. During his 2015 re-election campaign, Darrel Dickson reached out to Senator Pam  
16 Roach for advice, and upon the suggestion of Ms. Roach, agreed to have Conner Edwards, who  
17 was employed in Senator Roach's office, assist his campaign for Enumclaw City Council. Mr.  
18 Edwards assisted Mr. Dickson as an unpaid volunteer. Mr. Edwards conducted opposition  
19 research, with limited assistance from Mr. Dickson, concerning Kim Lauk. Mr. Edwards shared  
20 his findings with Mr. Dickson and Ms. Roach who each provided information in the Lauk mailers  
21 being developed by Mr. Edwards for Mr. Dickson's use.

22 3. During the campaign, Mr. Dickson became increasingly uncomfortable with the anti-  
23 Lauk mailers, and on September 22, 2015, when Mr. Edwards was ready to have the first mailer  
24 printed, Mr. Dickson sent an email to Mr. Edwards stating: "I have thought a lot about the ad. I  
25 am not comfortable pursuing this advertising as part of my campaign. I have consulted with my  
26 legal advisor Rob Dickson and I am sending this email to him as well (as a witness) to confirm

1 my decision. Please do not send me any more emails.”

2 4. On September 23, 2015, Mr. Edwards contacted Karen Jensen by email and stated he  
3 understood that she had set up a PAC to help get the work out about Kim Lauk. Mr. Edwards  
4 provided Ms. Jensen with a draft of the proposed mailer and asked for her feedback. Mr.  
5 Edwards told Ms. Jensen that Mr. Dickson was not comfortable sending out the mailer.

6 5. On September 23, 2015, Mr. Edwards sent an email to TEKS Services, a printing  
7 service, informing the business that the mailer would be paid for by Karen Jensen and the sponsor  
8 should be listed as Citizens for a Better Enumclaw.

9 6. Citizens for a Better Enumclaw made two expenditures that were funded by Ms.  
10 Jensen. They included: (1) an expenditure for a direct mail piece made on September 30, 2015  
11 and mailed on October 3, 2015, that cost \$1,766.08; and (2) an expenditure for a direct mail  
12 piece made and mailed on October 19, 2015, that cost \$1,040.90. The two mailings cost a total  
13 of \$2,806.98. Both mailings were reported by CBE as Independent Expenditures Political  
14 Advertising on Forms C-4 and C-6, and both opposed Kim Lauk. Conner Edwards assisted Ms.  
15 Jensen in finalizing and mailing the two mail pieces. The mailers were sent to voters in the City  
16 of Enumclaw, and included citizens for a Better Enumclaw as the sponsor.

#### 17 18 **IV. CONCLUSIONS OF LAW**

19 1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A  
20 RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative  
21 Procedure Act; and Title 390 WAC.

22 2. Mr. Dickson violated RCW 42.17A.405(14) by accepting in-kind contributions for his  
23 2015 campaign totaling \$2,806.98 from Karen Jensen and Citizens for a Better Enumclaw that  
24 exceeded the \$950.00 contribution limit by \$1,856.98.

25 3. Mr. Dickson violated RCW 42.17A.240 by failing to report the receipt of the in-kind  
26 contributions totaling \$2,806.98.

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**V. ORDER**

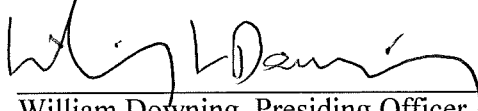
Based upon the stipulated Findings and Conclusions, the Commission accepts the Amended Stipulation of the parties and orders that:

1. Respondent Darrel Dickson is assessed a total civil penalty of \$4,000, with \$2,000 suspended, on the following conditions:
  - a. The Respondent is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Final Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.
  - b. The Respondent is in compliance with all PDC reporting requirements.
  - c. The non-suspended portion of the penalty (\$2,000) is paid by the Respondent within 30 days of the date of this Final Order.
  
2. If the Respondent fails to comply with any of the conditions of this Order, the suspended portion of the penalty shall immediately become due without further action by the Commission.

So ORDERED this 26 day of September, 2019.

WASHINGTON STATE PUBLIC  
DISCLOSURE COMMISSION

FOR THE COMMISSION:



William Downing, Presiding Officer,  
Commissioner, Public Disclosure Commission

1 Copy of this Order mailed and/or emailed to:

2 Mark Lamb, Attorney for Darrel Dickson and VoteDickson.org, [mark@northcreeklaw.com](mailto:mark@northcreeklaw.com))

3 Rob Dickson, Attorney for Darrel Dickson and VoteDickson.org.  
([rdickson@dicksonlegal.com](mailto:rdickson@dicksonlegal.com))

4 Philip E. Stutzman, PDC Staff, Sr. Compliance Officer ([Phil.Stutzman@PDC.wa.gov](mailto:Phil.Stutzman@PDC.wa.gov);

5 Chad Standifer, Assistant Attorney General, Counsel for PDC Staff ([ChadS@atg.wa.gov](mailto:ChadS@atg.wa.gov))

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8 I, Philip E. Stutzman *electronically* certify that I mailed a copy of this order to the Respondent/  
9 Applicant at his/her respective address postage pre-paid on the date stated herein.  
10 Philip E. Stutzman 9/27/2019  
11 Signed Date

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14 **NOTICE: RECONSIDERATION**

15 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for  
16 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon  
17 you. Any Request for reconsideration must state the specific grounds for the relief requested.  
18 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,  
711 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.

19 **NOTICE: PETITION FOR JUDICIAL REVIEW**

20 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for  
21 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final  
22 Order must be filed with the court and also served upon both the Commission and the Office of  
23 the Attorney general within thirty (30) days after the date this Final Order is served upon you.  
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