

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

In the Matter of Enforcement Action
Against:

Darrel Dickson and VoteDickson.org
(2015 Re-Election Campaign)

Respondent.

Case No. 6365

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 Darrel Dickson and VoteDickson.org, through his and its legal counsel, Rob Dickson, 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. In 2015, Darrel Dickson, a first-term incumbent Enumclaw City Council Member, was challenged during his re-election campaign by Kim Lauk, daughter of State Representative Chris Hurst, the complainant in this matter. Ms. Lauk defeated Mr. Dickson in the November 3, 2015 General Election.

2. During his 2015 re-election campaign, Darrel Dickson reached out to then-Senator Pam Roach for advice, and upon the suggestion of Ms. Roach, agreed to have Conner Edwards, who was employed in Senator Roach's office, assist his campaign for Enumclaw City Council. Mr. Edwards assisted Mr. Dickson as an unpaid volunteer. Mr. Edwards conducted opposition research, with limited assistance from Mr. Dickson, concerning Kim Lauk. Mr. Edwards shared his findings with Mr. Dickson and Ms. Roach who each provided information in the Lauk mailers being developed by Mr. Edwards for Mr. Dickson's use.
3. During the campaign, Mr. Dickson became increasingly uncomfortable with the anti-Lauk mailers, and on September 22, 2015, when Mr. Edwards was ready to have the first mailer printed, Mr. Dickson sent an email to Mr. Edwards stating, "I have thought a lot about the ad. I am not comfortable pursuing this advertising as part of my campaign. I have consulted with my legal advisor Rob Dickson and I am sending this email to him as well (as a witness) to confirm my decision. Please do not send me any more emails."
4. On September 23, 2015, Mr. Edwards contacted Karen Jensen by email and stated he understood that she had set up a PAC to help get the word out about Kim Lauk. Mr. Edwards provided Ms. Jensen with a draft of the proposed mailer and asked for her feedback. Mr. Edwards told Ms. Jensen that Mr. Dickson was not comfortable sending out the mailer.
5. On September 23, 2015, Mr. Edwards sent an email to TEKS Services informing the business that the mailer would be paid for by Karen Jensen, and the sponsor should be listed as Citizens for a Better Enumclaw.
6. Citizens for a Better Enumclaw made two expenditures that were funded by Ms. Jensen. They included: (1) An expenditure for a direct mail piece made on September 30, 2015 and mailed on October 3, 2015, that cost \$1,766.08; and (2) An expenditure for a direct mail piece made and mailed on October 19, 2015, that cost \$1,040.90. The two mailings cost a total of \$2,806.98. Both mailings were reported by CBE as Independent Expenditure Political Advertising on Forms C-4 and C-6, and both opposed Kim Lauk. Conner Edwards assisted Ms. Jensen in finalizing and mailing the two mail pieces. The mailers were sent to voters in the City of Enumclaw, and included Citizens for a Better Enumclaw as the sponsor.

Factors in Mitigation Offered by Darrel Dickson

7. Darrel Dickson served on the Enumclaw City Council from 2011 to 2015, and was running for re-election in 2015. Mr. Dickson states that early in the campaign he was recovering from a major medical procedure, and was unsure how to respond to what he perceived to be attacks from Chris Hurst. Mr. Dickson reached out to then-Senator Pam Roach for advice, and agreed to have Conner Edwards, employed by then-Senator Roach, provide volunteer assistance to his campaign. Mr. Dickson allowed Mr. Edwards to conduct opposition research and provided limited research assistance to Mr. Edwards. He reviewed the research findings with Mr. Edwards and then-Senator Roach to determine which information should be used in anti-Lauk mailers.
8. Mr. Dickson asserts that he generally dislikes negative campaigning, and became increasingly uncomfortable with the negative tone of the mailers being developed by Mr. Edwards. Mr. Dickson did not authorize or approve sending out the mailers under his committee name.
9. Mr. Dickson asserts that he attempted to separate himself from the mailers by sending an email to Mr. Edwards on September 22, 2015, and believes he was independent of the mailers sent out by Karen Jensen. Mr. Dickson acknowledges that because of his close association and involvement with the research and preparation, and consideration of an earlier version of the mailers initially planned for his campaign, and because Mr. Edwards worked with both his campaign and Ms. Jensen, the mailers ultimately sponsored by Karen Jensen and CBE likely qualified as in-kind contributions to his campaign.
10. Mr. Dickson asserts that he did not intentionally accept over-limit in-kind contributions to his 2015 campaign for Enumclaw City Council.

PENALTY FACTORS

In reviewing the appropriateness of the civil penalty, Commission Staff reviewed the criteria in WAC 390-37-182. In the matter at hand, it is a mitigating factor that Mr. Dickson has not previously been found to have violated RCW 42.17A or WAC 390. It is likewise a mitigating

factor that the noncompliance was not the result of a knowing or intentional effort to violate RCW 42.17A or WAC 390.

STATUTORY AND RULE AUTHORITY

RCW 42.17A.405(2) and (14) prohibit making or accepting, respectively, contributions that exceed the limits set forth in RCW 42.17A.405 for certain elective offices. In 2015, individuals, political committees, unions, corporations, and other entities were limited to contributing, and candidates were limited to accepting, \$950 per election in a city council campaign.

RCW 42.17A.240 sets forth the required content of the contribution and expenditure reports required under RCW 42.17A.235. It details what information must be disclosed by candidates and political committees on campaign finance reports, which includes the requirement to report the receipt of in-kind contributions.

VIOLATIONS

Based on the Stipulation of Facts, and Factors in Mitigation set forth above, Respondent Darrel Dickson recognizes that is likely that the Commission will find that he and his 2015 re-election campaign for Enumclaw City Council, VoteDickson.org, violated:

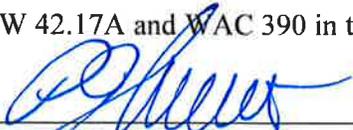
1. RCW 42.17A.405(14) by accepting in-kind contributions totaling \$2,806.98 from Karen Jensen and Citizens for a Better Enumclaw (CBE) that exceeded the \$950.00 contribution limit by \$1,856.98.
2. RCW 42.17A.240 by failing to report the receipt of the in-kind contributions totaling \$2,806.98.

PENALTY

1. Based upon the Stipulation of Facts and Violations set forth above, Darrel Dickson agrees to pay a total civil penalty of \$4,000 with \$2,000 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. 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. That the Respondent is in compliance with all reporting requirements.

- c. That the non-suspended portion of the penalty (\$2,000) is paid within thirty days of the date of the final order in this matter. If the Respondent fails to make timely payment of the non-suspended portion of the penalty, the suspended portion of the penalty shall immediately become due without further action by the Commission.

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



Peter Lavalée, Executive Director
Public Disclosure Commission

9/25/2019
Date Signed



Rob Dickson, Counsel for Darrel Dickson and
VoteDickson.org (2015 Re-election Committee)

9-23-19
Date Signed

