



**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: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

June 15, 2020

Sent electronically by email to:

Dan Brady: [dan@danbradylaw.com](mailto:dan@danbradylaw.com)

Chad Standifer: [chad.standifer@atg.wa.gov](mailto:chad.standifer@atg.wa.gov)

Our Olympic Communities Enterprise Washington

975 Carpenter Rd NE Ste 101

Lacey, WA 98516

Subject: Commission Final Order, PDC Case 47998

Dear Dan Brady:

Enclosed is a copy of the Public Disclosure Commission's Final Order Imposing Fine that was entered in the above-referenced case.

At its May 28, 2020 meeting, the Commission found Our Olympic Communities Enterprise WA violated RCW 42.17A.305 by failing to timely file Independent Expenditure reports (C-6 reports) disclosing \$151,772.81 in Committee expenditures made for electioneering communications advertisements that supported Tim Sheldon and opposed Irene Bowling and assessed a total civil penalty of \$14,000 of which \$7,000 is suspended on the following conditions:

- a. The Committee 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. The Committee complies with all PDC reporting requirements.
- c. The non-suspended portion of the penalty (\$7,000) is paid by the Committee within 30 days of the date of the final order in this matter. If the Committee fails to make timely payment of the non-suspended portion of the penalty, the suspended portion of the penalty shall be immediately become due without further action by the Commission.

Also enclosed is a copy of the Stipulation as to Facts, Violations and Penalty that was accepted by the Commission.

Please make your check or money order payable to the WA State Treasurer, and mail the payment to the address listed below:

**Public Disclosure Commission  
PO Box 40908  
Olympia, WA 98504-0908**

In the event fails to meet any of the above terms of this order, the entire \$14,000 penalty will become immediately due without any further intervention of the Commission.

If you have questions, please contact Alice Fiman at (360) 584-4746; toll free at (877) 601-2828 or by email at [alice.fiman@pdc.wa.gov](mailto:alice.fiman@pdc.wa.gov).

Sincerely,

Peter Lavallee  
*/s/Peter Frey Lavallee*  
Executive Director

Enclosure: Final Order and Stipulation as to Facts, Violations and Penalty

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

9 In re the Matter of Enforcement Action  
10 Against:

11 OUR OLYMPIC COMMUNITIES  
12 ENTERPRISE WASHINGTON PAC,

Respondent.

PDC CASE NO. 47998

FINAL ORDER

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14  
15 **I. INTRODUCTION**

16 This matter was heard remotely by the Washington State Public Disclosure Commission  
17 (Commission) on May 28, 2020, by audio and online streaming. The hearing was held pursuant  
18 to Chapter 34.05 RCW, Chapter 42.17A RCW, and Chapter 390-37 WAC.

19 Commissioners present both telephonically and online were David Ammons,  
20 Commission Chair (presiding); Russell Lehman, Commission Vice-Chair; and Commissioners  
21 William Downing, Fred Jarrett, and Nancy Isserlis. Also present both telephonically and online  
22 were Assistant Attorney General John S. Meader representing the Commission; Assistant  
23 Attorney General Chad Standifer representing PDC staff; and Alice Fiman, Compliance Officer,  
24 for PDC Staff. Dan Brady, Attorney, and Paul Graves, President, appeared telephonically on  
25 behalf of the Our Olympic Communities Enterprise Washington PAC (OOCEW-PAC,  
26

1 Committee, Respondent). The Complainant, Jeanne Martin, appeared telephonically at the  
2 discretion of the Chair. The proceeding was open to the public as limited by Governor's Order  
3 20-28 *et seq.* and recorded.

4 The hearing concerned allegations that OOCEW-PAC violated RCW 42.17A.305 by  
5 failing to timely file Independent Expenditure Reports (C-6 reports) disclosing \$75,669 in  
6 Committee expenditures made for electioneering communications advertisements that supported  
7 Tim Sheldon and opposed Irene Bowling during the calendar year 2018.

8 The Commissioners had before them the following materials:

- 9 • Report of Investigation for Case #47998 prepared by PDC Compliance Officer Alice Fiman,  
10 dated May 14, 2020, which included:
  - 11 ○ The February 28, 2019, complaint filed by Jeanne Martin against  
12 OOCEW-PAC;
  - 13 ○ The March 9, 2019, supplemental complaint filed by Jeanne Martin  
14 against OOCEW-PAC;
  - 15 ○ The Response of Dan Brady, Attorney, on behalf of OOCEW-PAC dated  
16 April 3, 2019.
- 17 • Proposed Stipulation as to Facts, Violations, and Penalty submitted by the parties, signed on  
18 May 19, 2020, by Peter Lavalley, Executive Director, for the PDC and on May 21, 2020, by  
19 Dan Brady, Attorney, for OOCEW-PAC.

## 21 II. STIPULATION

22 The parties jointly submitted a signed Stipulation as to Facts, Violations, and Penalty  
23 (Stipulation). Mr. Standifer presented the Stipulation, reviewed the aggravating and mitigating  
24 factors, summarized the proposed penalties, and asked the Commission to accept the Stipulation.  
25 In response to questions from the Commission, Mr. Brady provided argument that OOCEW-  
26 PAC had been responsive in addressing the complaint and was now in compliance with all



1 reporting obligations. The Committee took responsibility and also asked the Commission to  
2 accept the Stipulation. The Commission voted 5-0 to accept the Stipulation.

### 4 III. FINDINGS OF FACT

5 1. OCEW-PAC is a continuing political committee registered with the PDC and has  
6 been filing reports since 2016. It is sponsored by and affiliated with Enterprise Washington  
7 Jobs, PAC, which has been registered as a continuing political committee since 2008.

8 2. On March 2, 2018, and on October 7, 2018, the Committee filed amended Committee  
9 Registrations (C-1pc reports) with the PDC as a continuing political committee and selected the  
10 Full Reporting Option.

11 3. Reports of electioneering communication advertisements of \$1,000 or more, presented  
12 to the public within 60 days of an election are required to be filed electronically within 24 hours.  
13 The Committee made electioneering communications of \$151,422.81, between October 18,  
14 2018, and November 2, 2018, in support of Senator Tim Sheldon and in opposition to candidate  
15 Irene Bowling.

16 4. Of the \$151,422.81 in total electioneering communications made by the Committee in  
17 2018, the Committee failed to timely file seven C-6 reports totaling \$75,669 in direct mail  
18 expenditures. The C-6 reports disclosing the expenditures were not filed until April 3, 2019,  
19 between 149-166 days late.

20 5. The Committee failed to implement the necessary internal controls during the 2018  
21 election cycle to comply with the PDC statutes, rules, and reporting requirements. As a result,  
22 the public was deprived of significant Committee expenditure information.

### 24 IV. CONCLUSIONS OF LAW

25 1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A  
26 RCW, the state campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative

1 Procedure Act; and Title 390 WAC.

2 2. Based on the facts set forth above and the agreed stipulation of the parties, the  
3 Committee violated RCW 42.17A.305 by failing to timely file Independent Expenditure reports  
4 (C-6 reports) disclosing \$75,669 in Committee expenditures made for electioneering  
5 communications advertisements during calendar year 2018.

6  
7 **V. ORDER**

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

- 10  
11 1. Respondent OOCEW-PAC is assessed a total civil penalty of \$14,000.
- 12  
13 2. \$7,000 of the \$14,000 civil penalty is suspended on the following conditions:
- 14 a. The Committee is not found to have committed any further violations of  
15 Chapter 42.17A RCW or Title 390 WAC within four years of the date of  
16 the Final Order in this matter. The suspended penalty shall not be  
17 assessed based solely upon any remediable violation, minor violation, or  
18 error classified by the Commission as appropriate to address by a  
19 technical correction.
- 20 b. The Committee remains in compliance with all reporting requirements.
- 21 c. The non-suspended portion of the penalty (\$7,000) is paid by the  
22 Committee within 30 days of the date of the Final Order in this matter.  
23 If the Committee fails to comply with any of the conditions of this  
24 Order, the suspended portion of the penalty shall immediately become  
25 due without further action by the Commission.  
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1  
2 So ORDERED this 8th day of June, 2020.

3 WASHINGTON STATE PUBLIC  
4 DISCLOSURE COMMISSION

5 FOR THE COMMISSION:

6 

7 David Ammons,  
8 Chair, Public Disclosure Commission

9  
10 *Copy of this Order mailed and/or emailed to:*

11 Dan Brady, Attorney, for OOCF-PAC (Dan@danbradylaw.com);

12 Alice Fiman, PDC Staff compliance Officer (Alice.fiman@pdc.wa.gov);

13 Chad Standifer, Assistant Attorney General, Counsel for PDC Staff ( ).

14  
15 I, Alice Fiman, certify that I mailed a copy of this order to the Respondent/  
16 Applicant at his/her respective address postage pre-paid on the date stated herein.

17 *Electronically Signed Alice Fiman 6/15/2020*

18 Signed

Date

19  
20 **NOTICE: RECONSIDERATION**

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

25 **NOTICE: PETITION FOR JUDICIAL REVIEW**

26 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for

1 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final  
2 Order must be filed with the court and also served upon both the Commission and the Office of  
3 the Attorney general within thirty (30) days after the date this Final Order is served upon you.  
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