



**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

September 9, 2019

Delivered electronically to "markdavidemerson@gmail.com"

Subject: PDC Case 55723

Dear Mark D. Emerson:

Below is a copy of an electronic letter sent to Robert Parker concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted below to Robert Parker, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

PDC staff is reminding you about the importance of timely filing a Candidate Registration (C-1 report) with the PDC within two weeks of declaring candidacy. PDC staff expects that you will timely file all required PDC reports, including the C-1 report, in future years in accordance with PDC laws and rules.

If you have questions, you may contact Tabatha Blacksmith at 360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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September 9, 2019

Delivered electronically to "recordstransferacct@gmail.com"

Subject: Complaint regarding Mark D. Emerson, PDC Case 55723

Dear Robert Parker:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on July 26, 2019. Your complaint alleged that Mark D. Emerson (the "Respondent") may have violated RCW 42.17A.205 by failing to timely register as a candidate within two weeks of declaring candidacy by filing a C-1 report (Candidate Registration) containing, among other things, the campaign's Treasurer and depository (banking institution).

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the response provided by the Respondent; and the applicable PDC reports filed by Respondent to determine whether they support a finding of one or more violations.

Based on staff's review, we found the following:

- The Respondent is a newly-appointed incumbent candidate for election to School Director for Bainbridge Island School District, position 3 who filed with Kitsap County Elections as a candidate on May 13, 2019.
- Candidates are required to register with the PDC within two weeks of becoming a "candidate," as defined in RCW 42.17A.005(9) and WAC 390-05-200. Pursuant to RCW 42.17A.205, candidate committees are required to register with the PDC within two weeks of 1) being organized; or 2) first having the expectation of receiving contributions or making expenditures, whichever comes first. The Candidate Registration (C-1 report) serves the dual purpose of registering both the candidate and the candidate's committee.
- The Respondent filed a Candidate Registration (C-1 report) with the PDC on August 7, 2019 and selected the mini-reporting option. Mini-reporters are not required to submit C-3 and C-4 reports to the PDC disclosing campaign contributions and expenditures.
- Upon being notified of the missing C-1 report on August 6, 2019, the Respondent quickly replied and made a good-faith effort to resolve the issue by filing the missing C-1 within 24 hours.
- The Respondent indicated the late C-1 report was an oversight for which he apologized. He was appointed to the Bainbridge Island School Board on May 30, 2019 and had to run for the position shortly thereafter. He filed his F-1 report within two weeks of being appointed (on June 12, 2019) and thought he had completed all the required filings. The Respondent erroneously believed that

registering as a candidate with Kitsap Co. Elections was sufficient and did not realize a separate candidate registration was required to be filed with the PDC.

- Aggravating factors include: The Respondent's late report was received one day after the Primary Election.
- Mitigating factors include: The Respondent is a first-time candidate with limited filing experience. The Respondent's late report was the result of a good-faith omission, which he immediately took steps to remedy within 24 hours. The Respondent's campaign is relatively small and unsophisticated.

Based on these findings, staff has determined that, in this instance, failure to timely file the Candidate Registration (C-1 report) does not amount a violation warranting further investigation.

PDC staff is reminding Mark D. Emerson about the importance of timely filing all future PDC reports, including the candidate registration.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Mark D. Emerson