



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

October 29, 2019

THOMAS MOAK
PO BOX 5984
KENNEWICK, WA 99336

Subject: PDC Staff Assessment of Facts, PDC Case 58157

Dear Thomas Moak:

On July 23, 2019, Public Disclosure Commission (PDC) staff sent a letter informing you that your request to change to the Full Reporting option was approved despite the fact that your 2019 Campaign Port Commissioner for the Port of Kennewick (Campaign) exceeded the \$5,000 contribution and expenditure limitations to qualify for the Mini Reporting option.

As noted in the July 23, 2019 letter, staff's review of the Monetary Contribution reports (C-3 reports) and Summary Campaign Full Contribution and Expenditure reports (C-4 reports) filed by your Campaign at the time of your request to change reporting options disclosed the amount of contributions received, and expenditures made had already exceeded the limitations of the Mini Reporting Option. In addition, you provided PDC staff with an email acknowledging apparent PDC violations by your Campaign for exceeding the limitations of the Mini Reporting Option.

PDC staff has opened an initial review into allegations that your Campaign exceeded the contribution and expenditure limitations of the Mini Reporting Option. PDC staff has completed its assessment of the facts, which included the following aggravating and mitigating factors:

- You are an incumbent Port Commissioner for the Port of Kennewick since being elected to that office in 2013. Prior to that, you were an incumbent City Council member for the City of Kennewick.
- On March 30, 2019, you timely filed a Candidate Registration (C-1 report) declaring your candidacy for Port Commissioner for the Port of Kennewick in 2019, selecting the Mini Reporting Option provided by WAC 390-16-105. By selecting the Mini Reporting Option, you were not subject to the requirements of RCW 42.17A.235 and .240 to file C-3 and C-4 report, provided your Campaign did accept more than \$500 from any single source (excluding you as the candidate using your own funds) and did not receive contributions or make expenditures totaling more than \$5,000 in aggregate over the course of your Campaign.
- On July 3, 2019, your Campaign contacted PDC staff to request a change from the Mini Reporting Option to the Full Reporting Option, stating that at the time you had received \$3,446 in total monetary and in-kind contributions that included a \$3,000 candidate loan from you personally, and that your Campaign made \$1,955 in total expenditures as of that date.

- Based on our analysis, your 2019 Campaign exceeded the \$5,000 contribution and expenditure limitations of the Mini Reporting Option on July 9, 2019 when you:
 1. Made an additional \$3,000 candidate loan to your Campaign and accepted a \$50 monetary contribution, bringing your total monetary and in-kind contributions to \$6,496.
 2. Made a \$3,733 expenditure to Artmill for political advertising to print rack cards and work performed on your Campaign website, bringing your total expenditures to \$5,688.
- On July 13, 2019, you submitted an email to staff acknowledging apparent violations for exceeding the contribution and expenditure of the limitations of the Mini Reporting Option, and that staff's approval to change to the Full Reporting does not absolve your Campaign of the liability for a violation found by the PDC.
- On July 23, 2019, PDC staff sent you a letter approving your change to the Full Reporting Option despite your Campaign having received \$6,496 in total contributions and \$5,688 in total expenditures made. The letter informed you that while you were approved to change to the Full Reporting Option, your Campaign was not absolved of the apparent violation for exceeding the Mini Reporting Option.
- There was no evidence found of any intent to conceal or not to disclose Campaign contribution and expenditure activities by you or your Campaign by staying under the Mini Reporting Option when the limitations of the reporting option had been exceeded.

Depending on the circumstances and the mitigating and aggravating factors of each case, a Respondent may have the opportunity to reach an alternative resolution to a matter, including the option to complete a Statement of Understanding with PDC staff as an alternative to scheduling an enforcement hearing.

I am encouraging you to work with PDC staff on resolving this matter, including determining whether an alternative resolution might be appropriate under the circumstances. If you would like to submit a more formal response to the allegations of exceeding the limitations of the Mini Reporting Option, please do so as soon as possible or no later than November 5, 2018

If you have questions, please feel free to contact Kurt Young, PDC Compliance Officer at (360) 664-8854, toll free at 1-877-601-2828, or by email at pdcc@pdcc.wa.gov.

Sincerely,

Peter Lavalley
PDC Executive Director