



**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.pdca.wa.gov

January 7, 2020

Delivered electronically to "msmith@cityofcamas.us"

Subject: Complaint filed by Peg Leland, PDC Case 60094

Dear Melissa Smith:

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

As noted in the letter to Peg Leland, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to comply with the filing requirements noted in the enclosed letter sent to Ms. Leland. Staff expects you to timely file all required reports in the future, including a *Candidate Registration* (C-1 report) within two weeks of becoming a candidate. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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

Endorsed by,

/s

Peter Lavalley
Executive Director



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January 7, 2020

Delivered electronically to "peg2326@yahoo.com"

Subject: Complaint regarding Melissa Smith, PDC Case 60094

Dear Peg Leland:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on November 12, 2019. The complaint alleged that Melissa Smith, an elected official and candidate for Mayor of the City of Camas, may have violated RCW 42.17A.205 for failure to timely register as a candidate.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the response(s) provided by Melissa Smith (the "Respondent"); and the applicable PDC reports filed by the Respondent to determine whether the record supports a finding of one or more violations.

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

- 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 publicly declared (write-in) candidacy as early as October 9, 2019 in a news article published by Lacamas Magazine. As a result, the Respondent was due to file a C-1 report with the PDC no later than October 23, 2019.
- On October 19, 2019, the Respondent reached out to PDC staff by email with questions regarding her write-in campaign. PDC staff responded on October 21, 2019 indicating, among other things, that a C-1 report was required.
- On November 13, 2019, the PDC notified the Respondent about the complaint and missing C-1 report. In her response to the PDC, the Respondent indicated that a recent medical procedure and subsequent recovery contributed to noncompliance. She also stated that she did not raise any money and spent \$513.23 of her own personal money to purchase 150 signs.
- The Respondent successfully filed a C-1 report with the PDC on December 13, 2019, after at least one unsuccessful attempt in late November. The C-1 report was received 51

days late. The Respondent selected the “mini reporting option” on the registration form. Mini-reporters are not required to submit C-3 and C-4 reports to the PDC disclosing campaign deposits, contributions and expenditures pursuant to RCW 42.17A.235 & .240.

- Aggravating factors include: The Respondent’s late C-1 report was received 38 days after the General Election, thereby depriving the public of timely campaign information during the time-sensitive period just before an election. The Respondent is an experienced candidate.
- Mitigating factors include: Noncompliance appears to be the result of a good-faith omission that was further complicated by the Respondent’s medical procedure. The Respondent’s campaign is relatively small or unsophisticated and the Respondent has limited filing experience due to her mini-reporting status during current and prior election years. The Respondent does not have any prior violations with the PDC.

Based on our findings, staff has determined that, in this instance, failure to timely register as a candidate does not amount to a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Melissa Smith will receive a formal written warning concerning her failure to timely register as a candidate within two weeks of becoming a candidate. The formal written warning will include staff’s expectation that, in the future, Melissa Smith will timely file all required reports, including the *Candidate Registration* (C-1 report). The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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,

Endorsed by,

/s

Tabatha Blacksmith
Compliance Coordinator

/s

Peter Lavallee
Executive Director

cc: Melissa Smith