



**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.pdcca.wa.gov

September 30, 2020

Sent electronically to mark@northcreeklaw.com and steve@steveoban.com

Subject: Complaint filed by Alex Bond, PDC Case 74225

Dear Steve O'Ban:

Enclosed is a copy of an electronic letter sent to Alex Bond concerning a complaint filed July 22, 2020 with the Public Disclosure Commission (PDC) alleging a violation of RCW 42.17A.405 by accepting an over-limit contribution from an affiliated entity, specifically accepting \$2,000 from The Leadership Council and then an additional \$1,000 from WA Forward (The Leadership Council), an affiliated committee.

Pursuant to WAC 390-37-060(1)(d), this letter serves as a formal written warning concerning your Campaign's acceptance of an over-limit contribution from an affiliated entity as noted in the attached letter. This warning includes staff's expectation your Campaign will adhere to the contribution limits for the remainder of the 2020 election cycle and not accept any contributions that exceed the contribution limits in the future, as required by law. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, contact Alice Fiman toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Peter Lavalley
Executive Director



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September 30, 2020

Sent electronically to alexjbond@gmail.com

Subject: Complaint regarding Steve O'Ban PDC Case 74225

Dear Alex Bond:

The Public Disclosure Commission (PDC) completed its review of the complaint you filed July 22, 2020.

Your complaint alleged Steve O'Ban, a State Senator and a 2020 candidate for re-election to the office from the 28th District, violated RCW 42.17A.405 by accepting contributions from an affiliated entity, when aggregated, exceeded the contributions limits for a 2020 legislative candidate of \$1,000 each for the primary and general elections.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements and the response from Mark Lamb, attorney for Steve O'Ban, to determine whether the record supports a finding of one or more violations. Based on staff's review, we found the following:

- Steve O'Ban was first elected to the Washington State House of Representatives in 2012, then elected to the Senate in 2014. O'Ban is a current candidate for reelection to the Washington State Senate from the 28th District.
- On October 31, 2019, Friends of Steve O'Ban (Campaign) timely filed a Monetary Contributions (C-3) report disclosing the receipt of two \$1,000 contributions from the Leadership Council, a caucus-related political committee registered with the PDC. The contributions were received on October 24, 2019, with one designated for the 2020 Primary Election and one designated for the 2020 General Election.
- On July 12, 2020, the Campaign timely filed a C-3 report disclosing a \$1,000 contribution had been received WA Forward, a political committee registered with the PDC, and designated for the 2020 Primary Election.
- RCW 42.17A.405 limits Legislative candidates to receiving \$1,000 in total contributions for the 2020 primary election from any one contributor, including from a political action committee (PAC), and \$1,000 in total contributions for the 2020 general election.
- In addition, WAC 390-16-309 (3) states "...two or more entities shall be treated as one entity and share a contribution limit under RCW 42.17A.405 and 42.17A.410 if one of the entities is established, financed, maintained or controlled by the other."

- WA Forward (The Leadership Council) disclosed, as part of its PDC Committee Registration, it is sponsored by The Leadership Council. In 2020, WA Forward disclosed the receipt of \$550,000 in total aggregate contributions from The Leadership Council and only received contributions from an additional 10 individuals of \$10 each.
- Based on the PDC statute and rule referenced above, WA Forward (The Leadership Council) and The Leadership Council are affiliated and share one contribution limit for the 2020 election cycle. Therefore, the two PACs are limited to a maximum \$1,000 total contribution for the 2020 general election between them.
- Once notified of the complaint, the Campaign promptly filed an amended C-3 report August 10, 2020 removing the \$1,000 contribution received from WA Forward (The Leadership Council) and noting the refunded contribution in its books of account.
- Lamb stated: “None of the Campaigns were aware that WA Forward arguably shares a contribution limit with the Leadership Council. Upon learning that this affiliation might be an issue they promptly returned the contribution to WA Forward. The contributions from the Leadership Council are not over limit because the contributions from WA Forward were all returned.”

Based on these findings, staff has determined that in this instance, the Campaign’s acceptance of over-limit contribution from an affiliated entity does not amount to a finding of a violation that warrants further investigation based on the facts that as of July 14, 2020: (1) the campaign had received contributions totaling \$366,200.85 and had \$124,190.58 as a cash on hand balance; and (2) the \$1,000 contribution received from Washington Forward had not been spent by the Campaign.

However, pursuant to WAC 390-37-060(1)(d), Steve O’Ban will receive a formal written warning concerning the acceptance of an over-limit contribution from an affiliated entity as noted in this letter. The formal written warning includes staff’s expectation the Campaign will adhere to the contribution limits for the remainder of the 2020 election cycle and not accept any contributions exceeding the contribution limits in the future, as required by law. 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, contact Alice Fiman toll-free at 1-877-601-2828, or by e-mail fdc@fdc.wa.gov.

Sincerely,

/s _____
Alice Fiman
Compliance Officer

Endorsed by,

/s _____
Peter Lavalley
Executive Director