



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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March 1, 2022

Delivered electronically to Robert Apple

Subject: Complaint return with formal written warning regarding 2020 Robert Apple Campaign for State Representative, PDC Case # 86767

Mr. Apple:

The Public Disclosure Commission (PDC) has completed its investigation of the PDC staff generated complaint filed against the 2020 Robert “Bob” Apple Campaign for State Representative on March 9, 2020. The PDC staff generated complaint alleged that your Campaign violated:

- RCW 42.17A.225 by failing to maintain, preserve and produce campaign books of account requested by PDC staff; and
- RCW 42.17A.235 & .240 for failure to timely & accurately report contributions & expenditures on paper filed Monetary Contributions reports (C-3 report) and Campaign Full Summary Contributions and Expenditures reports (C-4 reports) in accordance with an electronic filing hardship exemption granted pursuant to RCW 42.17A.055.

PDC staff reviewed the applicable statutes, rules and reporting requirements for a Legislative candidate, the paper filed C-3 and C-4 reports filed by your 2020 State Representative Campaign (Campaign), and the responses and documents you submitted to the PDC. Based on staff's investigation and review, we found the following:

- On June 17, 2020, you completed an electronic Candidate Registration declaring your candidacy for State Representative, selecting the Full Reporting Option, and listing yourself as Ministerial Treasurer. You are a former City of Spokane Council member and have previously filed with the PDC as a candidate for elected office on several occasions.
- On July 7, 2020, you requested a hardship exemption seeking relief from filing your campaign finance reports electronically, and stated that you experienced some technical issues and challenges in filing your campaign finance reports using the PDC's Online Reporting of Campaign Activity software (ORCA).
- On July 16, 2020, PDC staff sent an email informing you that you qualified for a hardship exemption from filing electronically based on the alleged technological limitations of your 2020 campaign, and that you must timely file the C-3 and C-4 reports on paper in accordance with the reporting requirements.

- On October 15, 2020, you submitted paper filed C-3 and C-4 reports to the PDC in accordance with your hardship exemption. The contribution and expenditure information you provided on the reports was entered into the Online Reporting of Campaign Activity (PDC ORCA Software) by PDC staff, and electronically filed in accordance with the hardship exemption. The C-3 and C-4 reports electronically filed by PDC staff were posted on the PDC website on October 21, 2020.
- The C-3 and C-4 information disclosed: (1) you spent \$79.90 using personal funds for a Campaign telephone line; (2) a \$6,793 in-kind contribution/loan was received from you for a \$6,593 Valpak expenditure, and a \$200 payment that you made to an individual for web page development and work; (3) a \$50 monetary contribution was received from M. Johns (retired) on October 3, 2020; and (4) a \$50 expenditure made on October 5, 2020, that included \$40 for campaign telephone costs and \$10 for miscellaneous office supplies.
- On March 9, 2021, PDC staff filed a staff generated complaint against your Campaign alleging violations of RCW 42.17A.225, .235, and .240, since no additional C-3 or C-4 reports had been paper filed by you. On June 1, 2021, PDC staff conducted a remote Initial Hearing/Case Status Review by telephone in which you participated, and staff opened a formal investigation concerning this matter after that was held.
- On June 22, 2021, PDC staff received a 13-page mailed package from you that included a copy of an October 28, 2020 Bank of America (BOA) letter addressed to you. The letter stated that BOA temporarily credited your personal account for the \$6,592.92 in-kind contribution/loan that you made to your Campaign for the Valpak mailing. The letter from BOA went on to state they were working with Valpak “to resolve your dispute.”
- You stated that your Campaign contracted with ValPak to print and mail a flier, but for some unexplained reason Valpak never delivered the mailer to registered voters in the 3rd Legislative District. You stated that ValPak needed a credit card to process the order and begin work on printing and mailing the brochure, since a personal check would have taken too long to mail their offices in Florida, so you used your personnel credit card to make the purchase.
- You also noted that the documents you provided verified the \$6,592.95 expenditure was made on your personal BOA private account, and that BOA had followed up on the contested expenditure and made a \$6,592.95 credit that was applied to your account to reverse the payment to ValPak. You reiterated the ValPak issue happened due to the “wrong mailing list and causing my 3rd Legislative mailing to be delivered to a completely different area of the State of WA and again by no fault of mine.”
- On February 16, 2022, based on the information you provided to PDC staff and in accordance with the electronic filing hardship granted to you, PDC staff electronically filed an amended C-4 report that was marked as the “Final report” for the Bob Apple 2020 Campaign for State Representative.
- The Final C-4 report disclosed that your Campaign received a total of \$329.90 in contributions received, and \$329.90 in expenditures made, once the Valpak in-kind contribution/loan was corrected and subtracted from the Campaign totals.

PDC staff would note that while your Campaign did not timely and accurately file the C-3 and C-4 reports, the reports were filed prior to the November 2020 general election, and available for public review on October 21, 2020.

Based on these findings and the facts that you: (1) served as your own Treasurer in 2020; (2) received an electronic filing hardship exemption that allowed you to file paper file C-3 and C-4 reports; (3) raised and spent less than \$500 in total campaign funds for your 2020 candidacy once the ValPak expenditure was corrected or backed out of the totals; and (4) the public was not deprived of any contribution or expenditure activities undertaken by the Campaign since the information was posted on the PDC website on October 21, 2020; the matter does not amount to a violation warranting further investigation or enforcement action.

However, pursuant to WAC 390-37-060(1)(d), this letter serves as a formal written warning concerning your failure to timely and accurately file C-3 and C-4 reports disclosing contribution and expenditure activities undertaken by your 2020 Campaign. This formal written warning includes staff's expectation that in the future, should you become a candidate, you are required to timely and accurately file the C-3 and C-4 reports electronically in accordance with PDC laws, rules, and reporting requirements for a candidate under the Full Reporting option. Finally, the Commission will consider this formal written warning in deciding on future Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, please contact PDC Compliance Officer Kurt Young by e-mail.

Sincerely,

Endorsed by,

/s_____

Electronically Signed Kurt Young
PDC Compliance Officer

/s_____

Electronically Signed Peter Lavallee
PDC Executive Director



Public Disclosure Commission
Shining Light on Washington Politics Since 1972