



**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

November 8, 2021

Delivered electronically to Cindy Gobel at "electcindygobel@gmail.com"

Subject: Complaint filed by Joseph Hernandez, PDC Case 97693

Dear Cindy Gobel:

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

As noted in the letter to Mr. Hernandez, 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 Mr. Hernandez. Staff expects you to file all required reports of contributions and expenditures in future years. 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 Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Peter Frey Lavalley
Executive Director



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November 8, 2021

Delivered electronically to Joseph Hernandez at “ghernandez0125@gmail.com”

Subject: Complaint regarding Cindy Gobel, PDC Case 97693

Dear Joseph Hernandez:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 17, 2021. The complaint alleged that Cindy Gobel, a 2021 candidate for City Council for the City of Marysville, may have violated RCW 42.17A.240 for failure to disclose a political advertisement that was produced and mailed by the Campaign around July 19 or 20, 2021 on Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by the Respondent; the applicable PDC reports filed by the Respondent; and queried the Respondent’s data in the PDC contribution and expenditure database, to determine whether the record supports a finding of one or more violations.

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

- On June 4, 2021, Cindy Gobel submitted a Candidate Registration (C-1 report) declaring her candidacy for Marysville City Council in the 2021 election and choosing the “Full Reporting” option.
- Ms. Gobel was a candidate in 2019 for Snohomish County Auditor but lost in the general election.
- RCW 42.17A.240(9)(a) requires disclosure of the name and address of any person and the amount owed for any debt with a value of more than seven hundred fifty dollars that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within thirty days before an election, or within ten business days during any other period.
- On September 10, 2021, the Committee to Elect Cindy Gobel submitted the Post-Primary Election C-4 report covering activity from July 27, 2021 to August 31, 2021. The C-4 disclosed \$3,149.84 in total expenditures including a \$2,783.17 expenditure to Johnson Cox on July 30, 2021 for printing, postage and mailing.
- In her response, Ms. Gobel stated that she utilized the vendor Johnson Cox to do the printing, postage and mailing of the political advertisement that was produced and mailed during the third week of July 2021, but that she did not report the expenditure for this activity until she received the invoice with the final amount.
- PDC staff confirmed that the \$2,783.17 order for printing, postage and mailing was placed on July 13, 2021 making it reportable as a debt on the 7-Day Pre-Primary C-4 covering activity from July 13 - 26, 2021 and due July 27, 2021.

- The Complainant submitted a separate complaint regarding the Respondent's apparent acceptance of an over limit contribution from an individual donor.
- On July 13, 2021, the 2021 Committee to Elect Cindy Gobel submitted a Monetary Contribution report (C-3 report) disclosing the receipt of two monetary contributions totaling \$1,050. The first \$50 donation, received from Leri Harper, and the second \$1,000 donation, received from Brian Sabino, were both received on July 6, 2021 and deposited on July 13, 2021.
- On July 13 and 14, 2021, the Public Disclosure Commission's campaign reporting software, ORCA (Online Reporting of Campaign Activity), experienced a system-wide slowdown in performance and response time for campaign submittals. This appears to have caused the C-3 report submitted by the Respondent on July 13, 2021 to be electronically upload three times, resulting in the donations from Brian Sabino to show as \$3,000, which is above the permissible primary election contribution limit for a city council race, rather than \$1,000.
- Although Ms. Gobel responded to this second allegation, PDC staff did not include it as it was a result of an agency related technical issues and no fault of the Respondent or the Complainant. PDC staff is adjusting the affected reports to accurately reflect what was reported by the campaign.

It appears that, although Ms. Gobel is not a first-time candidate, she was unaware of the statutory requirement to disclose certain debts and orders placed at the time the services were agreed upon rather than when the invoice was received. During the investigation, staff found no evidence to suggest that the Respondent deliberately delayed disclosing the costs related to the July 2021 mailer or otherwise done to deceive the public.

Based on our findings staff has determined that, in this instance, failure to timely disclose an order placed as a debt does not amount to a finding of a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Cindy Gobel will receive a formal written warning concerning failure to timely disclose an order placed for printing, postage and mailing of a mailer as a debt as required. The formal written warning will include staff's expectation that Ms. Gobel timely files all future required reports of contributions and expenditures. 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 Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Peter Frey Lavalley
Executive Director

cc: Cindy Gobel