



**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

October 27, 2021

Delivered electronically to mike.behary@gmail.com

Subject: PDC Case 98897

Dear Michael Behary:

Below is a copy of an electronic letter sent to Jamie Baird concerning a complaint filed September 27, 2021 with the Public Disclosure Commission (PDC) alleging violations of RCW 42.17A.235 and .240 for failure to timely and accurately report contributions and expenditures on Monetary Contributions (C-3) and Full Summary Contributions and Expenditures (C-4) reports.

Pursuant to WAC 390-37-060(1)(d), this letter serves as a formal written warning concerning your failure to timely report as required. Staff expects you will file any required reports for the 2021 election and, in the future, timely and accurately file PDC reports and disclose contributions and expenditures 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

/s

Peter Lavalley
Executive Director



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October 27, 2021

Delivered electronically to jamiebaird12@gmail.com

Subject: Complaint regarding Michael Behary, PDC Case 98897

Dear Jamie Baird:

The Public Disclosure Commission (PDC) completed its review of the complaint you filed September 27, 2021. The complaint alleged Michael Behary, a candidate for Liberty Lake City Council Position 4, violated RCW 42.17A.235 and .240 for failure to timely and accurately report contributions and expenditures on Monetary Contributions (C-3) and Full Summary Contributions and Expenditures (C-4) reports.

PDC staff reviewed the allegations; the applicable statutes, rules, and interpretations; the evidence provided in the complaint; information in the PDC's campaign-finance-reporting database; and a response from Michael Behary, to determine whether the record supports a finding of one or more violations.

We found the following:

- According to PDC records, there are two registered candidates for Liberty Lake City Council, Pos. 4, indicating there was no primary election for this office on August 3, 2021.
- Behary first registered with the PDC on May 23, 2021 under full reporting. On September 29, 2021, Behary updated his registration to file under mini reporting.
- The mini reporting option is available to candidates who will raise and spend no more than \$5,000, in addition to the amount spent on their filing fee, and who will receive no more than \$500 from any one contributor other than themselves. A candidate who chooses mini reporting is not required to file contribution and expenditure reports but must file a registration statement and keep records of their contributions and expenditures. During the 10 days preceding a primary, general, or special election in which the candidate's name is on the ballot, the campaign's books of account showing all contributions received, expenditures made and outstanding debts, must be open to public inspection. More information about the public inspection of campaign records is available

on the PDC website at <https://www.pdc.wa.gov/learn/publications/candidate-instructions/public-inspection-campaign-records>.

- In response to the complaint, on October 14, 2021, Behary filed eight C-3 reports and four C-4 reports. On October 15, Behary filed an additional C-4 report covering the time period from September 1 to October 11, 2021. This C-4 listed a total of \$2,424.56 in contributions and \$1,552.95 in expenditures.
- According to the reports filed October 14 and 15, 2021, Behary meets the requirements to file under mini reporting.

Based on these findings, the fact Michael Behary is a first-time candidate, was eligible for mini reporting and took prompt action to comply following the complaint, PDC staff has determined that, in this instance, the failure to timely and accurately report contributions and expenditures does not amount to a violation warranting further investigation.

However, Behary will receive a formal written warning pursuant to WAC 390-37-060(1)(d) concerning the failure to timely report contributions and expenditures. The formal written warning includes staff's expectation Behary will timely and accurately file PDC reports and disclose contributions and expenditures as required by law.

The Commission will consider the 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 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 at pdc@pdc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

/s

Peter Lavalley
Executive Director