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**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In Re: The Matter of Enforcement Action
Against:

PDC CASE NO. 120879

FINAL ORDER

AVRUM (ALEX) TSIMERMAN,
Respondent.

This matter was heard by the Washington State Public Disclosure Commission (Commission) on April 27, 2023, by in-person, telephonic, and online streaming access. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present in-person were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis, Commission Vice-Chair; and Commissioners William Downing and Allen Haywood. Also present both in-person and online were Assistant Attorney General John S. Meader representing the Commission, Assistant Attorneys General Chad Standifer and Susie Giles-Klein representing PDC Staff, and Erick Agina, PDC Compliance Officer. Notice was provided to the Respondent and he did not appear on his own behalf. The proceeding was open to the public and recorded.

The Commissioners had before them the following materials:

- Notice of Administrative Charges and Report of Investigation dated April 14, 2023, prepared by Erick Agina, PDC Compliance Officer;
- Link to the Kirkland City Council’s January 3, 2023, meeting marked at 1:13:04;
- Link to the Port of Seattle Commission’s January 10, 2023, meeting marked at 00:49:54;
- Link to the Sound Transit Board’s January 12, 2023, meeting marked at 15:25;
- Screenshot of Respondent’s campaign website;
- Complaint, PDC Case 120879, filed on January 23, 2023;
- PDC Case No. 95308: August 12, 2021, Group Enforcement Hearing Notice;
- PDC Case No. 109529: July 21, 2022, Group Enforcement Hearing Notice;
- Commission Order dated September 13, 2021, for PDC Case 95305;
- Commission Order dated August 11, 2022, for PDC Case 109529;
- PDC staff Witness and Exhibit List dated April 18, 2023.

I. FINDINGS OF FACT

This matter involves allegations the Respondent violated RCW 42.17A.205 and RCW 42.17A.700(2) by failing to file the required Candidate Registration (C-1 Report) and Personal Financial Affairs Statement (F-1 Report) within two weeks of declaring his candidacy for public office in the 2023 election year, as required by law. The Respondent has two prior violations with the PDC.

1. On January 3, 2023, the Respondent attended a City of Kirkland Council meeting and announced his candidacy for public office during the public comment portion of the meeting, stating: “[m]y name is Alex Tsimerman and I right now candidate for King County Bellevue Council 2023” [sic].

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2. On January 10, 2023, the Respondent attended a Port of Seattle Commission meeting and announced his candidacy during the public comment portion of the meeting, stating: “[m]y name is Alex Tsimerman I’m president of Standup America and I am a candidate right now for King County District No. 6, 2023.”
3. On January 12, 2023, the Respondent attended a Sound Transit Board meeting and announced his candidacy for public office in the 2023 election year stating: “[h]i, my name is Alex Tsimerman and I very much appreciate you council Balducci mention my name because I’m right now candidate for King County Council 23” [sic].
4. On January 23, 2023, PDC Staff received a complaint from Joe Kunzler against the Respondent alleging he failed to timely file the required C-1 and F-1 reports within two weeks of becoming a candidate as required by statute.
5. On February 1, 2023, PDC staff sent a copy of the complaint to the Respondent and requested a response to the allegations by February 15, 2023. No response to the complaint was received.
6. On March 9, 2023, PDC staff held an Initial Hearing (Case Status Review) after opening a formal investigation concerning the Respondent (PDC Case 120879). Although the Respondent was not required to appear, he was notified of the Initial Hearing and did not appear.

1 7. As of the date of the Commission’s April 27, 2023, Regular Meeting,
2 Respondent has not filed the C-1 or F-1 reports that were required to be filed
3 within two weeks of declaring his candidacy for office in the 2023 election year.
4

5 8. At all times during the investigation Respondent maintained a campaign website
6 that depicted his candidacy for 2023. The landing page of the campaign website
7 noted: “2023 candidate for King County, Bellevue.”
8

9 9. Respondent has two prior enforcement matters.

10 a. PDC Case 95308. Respondent was found to have violated RCW
11 42.17A.700 for failing to timely file an F-1 report as a 2021 candidate
12 for public office. Respondent was assessed a civil penalty of \$250 with
13 \$100 suspended under the condition that the report was filed and the
14 non-suspended portion of the penalty was paid within 30 days of the
15 date of the September 13, 2021, order.
16

17 b. PDC Case 109529. Respondent was found to have violated
18 RCW 42.17A.205 and RCW 42.17A.700 for failing to timely file F-1
19 and C-1 reports as a 2022 candidate for public office. In the August 11,
20 2022, order the Respondent was assessed a civil penalty of \$1,000.
21

22 **II. CONCLUSIONS OF LAW**

23 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
24 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05
25 RCW, the Administrative Procedure Act; and Title 390 WAC.
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2. Pursuant to RCW 42.17A.205, a candidate for an election year must file a Candidate Registration (C-1 Report) within two weeks of declaring his candidacy for public office.
 3. Pursuant to RCW 42.17A.700(2) a candidate for an election year must file a Financial Affairs Statement (F-1 Report) within two weeks of declaring his candidacy for public office.
 4. RCW 42.17A.005(8) defines a candidate as any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when the individual first: ...(b) Announces publicly or files for office...
 5. The definition of “candidate” in RCW 42.17.005(8) is broad enough to encompass the Respondent’s public declarations of his candidacy. There is also sufficient evidence to support the conclusion that the Respondent declared his candidacy for office and the Commission can infer the office referred to was King County Council Position 6 for election year 2023.

III. ORDER

This Order will be the Final Order. After consideration of the mitigating and aggravating factors, the Findings of Fact, and the Conclusions of Law, the Respondent is assessed a civil penalty of \$5,000 with \$2,000 suspended on the following conditions:

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1. a. The non-suspended portion (\$3,000) of the \$5,000 civil penalty for failure to file the F-1 and C-1 reports within two weeks of becoming a candidate for the 2023 election year in violation of RCW 42.17A.700 and RCW 42.17A.205 is paid by the Respondent within 30 days of the date of this Final Order.

b. The Respondent remains in full compliance with all PDC reporting requirements and is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Final Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.

2. If the Respondent fails to meet the conditions in Section III(1) of this order within 30 days of the date of this order, the suspended portion of the penalty for calendar year 2023 shall immediately become due and the matter may be sent to collection or brought to Superior Court as allowed by law without further action by the Commission.

SO ORDERED this 4th day of May, 2023.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:

Fred Jarrett
Fred Jarrett (May 4, 2023 14:33 PDT)

Fred Jarrett,
Chair, Public Disclosure Commission

1
2 *This order sent by email to:*

3 Avrum (Alex) Tsimerman, Respondent
4 standup@alexforamerica.com
5 *Hard copies to:*
6 P.O. Box 4222, Seattle WA. 98104, and
7 14150 NE 20th St. Bldg. F1, Apt. 258
8 Bellevue, WA 98007

9 Erick O. Agina,
10 PDC Compliance Officer,
11 erick.agina@pdc.wa.gov

12 Susie Giles-Klein,
13 Assistant Attorney General for PDC Staff
14 susie.gilesklein@atg.wa.gov

I, _____, certify that I emailed a copy of this order to the Respondent at his respective email address.

Signed _____

Date _____

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18 **NOTICE: RECONSIDERATION**

19 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
20 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
21 you. Any Request for reconsideration must state the specific grounds for the relief requested.
22 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,
23 711 Capitol Way, Room 206, Box 40908, Olympia WA 98504-0908.

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26 **NOTICE: PETITION FOR JUDICIAL REVIEW**

You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
Order must be filed with the court and also served upon both the Commission and the Office of
the Attorney general within thirty (30) days after the date this Final Order is served upon you.







Final_Order-Tsimerman-F1-C1-120879

Final Audit Report

2023-05-04

Created:	2023-05-04
By:	Jana Greer (jana.greer@PDC.WA.GOV)
Status:	Signed
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-  Document created by Jana Greer (jana.greer@PDC.WA.GOV)
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-  Signer fred.jarrett@pdc.wa.gov entered name at signing as Fred Jarrett
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