



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

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A

PDC Case 157533

Lisa Malpass,

Respondent.

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to Lisa Malpass on October 8, 2024, a brief adjudicative proceeding was held remotely on October 29, 2024, to consider whether the Respondent violated: (1) RCW 42.17A.205 and WAC 390-16-125 by exceeding the Mini Reporting limitation before requesting to change from the Mini Reporting option to the Full Reporting option; and (2) RCW 42.17A.235 and .240 for failure to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures in election year 2024.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Chapter 390-37 WAC. Commission Chair Allen Hayward was the Presiding Officer. The Commission staff was represented by Colin Peeples, Compliance Coordinator, and Tanya Mercier, Compliance Officer. The Respondent did participate in the hearing and did submit written materials.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a candidate for Superior Court Judge in Ferry, Pend Oreille, and Stevens Counties Superior Court for the State of Washington.
2. The Respondent filed a Candidate Registration (C-1) for the Mini Reporting option on March 8, 2024.
3. On July 5, 2024, the Respondent requested to change from the Mini Reporting option to the Full Reporting option. On July 23, 2024, the PDC granted the request and on this date the Respondent amended their C-1 to the Full Reporting option.

4. Under the Mini Reporting option, a committee must agree to not raise or spend more than \$7,000 (in addition to filing fees). The committee must also commit to receiving no more than \$500 from any one contributor (other than the candidate themselves). Changing from the Mini Reporting option to the Full Reporting option requires PDC staff's approval, and the request must be made and approved before the committee exceeds the Mini Reporting limits.
5. Prior to making the request for conversion from Mini to Full Reporting, the Respondent exceeded the mini reporting threshold on July 1, 2024, when campaign financial activity reached \$7,036.56 (not including filing fees).
6. On July 10, 2024, the Respondent submitted one C-4, and four C-3 reports for March, one C-4 and one C-3 report for April, one C-4 and six C-3 reports for May, and one C-4 and four C-4 reports for June. The reports were amended on July 16, 2024. These reports became due on July 1, 2024, when the Mini Reporting threshold was exceeded and are considered nine days late. For July, the Respondent submitted six timely C-3 reports and the C-4 report was submitted on July 16, 2024, but amended on August 12, 2024, reflecting substantial changes to receipts received and in-kind contributions received, and expenditures made. The August C-3 and C-4 reports were timely.
7. As of October 8, 2024, the Respondent has fulfilled the requirements to convert from Mini to Full Reporting and there do not appear to be missing C-3 and C-4 reports for the period of March through August 2024.
8. The Respondent has no prior violations.

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CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened, and all jurisdictional, substantive, and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.205 and WAC 390-16-125 by exceeding the Mini Reporting limitation before obtaining approval to change from the Mini Reporting option to the Full Reporting option.
3. The Respondent violated RCW 42.17A.235 and RCW 42.17A.240 by failing to file Receipts and Expenditure Summary (C-4) reports by September 26, 2024.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$300, in accordance with the penalty schedule set forth in WAC 390-37-143.

It is further ordered that \$200 of the \$300 penalty is suspended on the following conditions:

1. **The Respondent pays the non-suspended portion of the penalty (\$100) within 30 days of the date of this Order.**

2. The Respondent does not commit any further violations of Chapter 42.17A RCW or Title 390 WAC for a period of 4 years from the date of this Order.

It is further ordered that, if the Respondent fails to comply with any of the above conditions:

1. The full \$300 penalty shall become due immediately without further action by the Commission and PDC Staff is directed to refer the matter to collections and/or commence other legal proceedings as authorized by RCW 42.17A and 390 WAC.

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 27th of November, 2024.

Public Disclosure Commission

/s/ Electronically Signed

Peter Frey Lavalley
Executive Director

I, Jennifer Hansen, certify that I mailed a copy of this order to the Respondent at their respective address postage pre-paid, and by e-mail on the date stated herein.

<u>/s/ Electronically Signed</u>	<u>November 27, 2024</u>
Jennifer Hansen	Date

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request by email, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1).
- All requests for review must be submitted electronically to pdcc@pdcc.wa.gov. **REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE INITIAL ORDER WAS ELECTRONICALLY DISTRIBUTED TO YOU.**

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the FINAL ORDER. *See* WAC 390-37-142(7).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.552.