

17-2-00849-34
CMP
Complaint
1074714



FILED
SUPERIOR COURT
THURSTON COUNTY, WA

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Linda Myhre Enlow
Thurston County Clerk

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

SAM HUNT, individually; and SAM
HUNT FOR STATE SENATE, a
candidate authorized committee,

Defendants.

NO. 17-2-00849-34

COMPLAINT FOR CIVIL
PENALTIES AND FOR INJUNCTIVE
RELIEF FOR VIOLATIONS OF
RCW 42.17A

I. NATURE OF ACTION

Plaintiff STATE OF WASHINGTON (State) brings this action to enforce the state's campaign finance disclosure law, RCW 42.17A. The State alleges that Defendants, SAM HUNT, individually, and SAM HUNT FOR STATE SENATE, a candidate authorized committee, violated provisions of RCW 42.17A by failing to timely disclose expenditures made, orders placed or debts incurred, and in-kind contributions received during their 2016 campaign for State Senate in the 22nd Legislative District. The State seeks relief under RCW 42.17A.750 and .765, including penalties, costs and fees, and injunctive relief.

II. PARTIES

2.1 Plaintiff is the STATE OF WASHINGTON (State). Acting through the Washington State Public Disclosure Commission (PDC), Attorney General, or a local prosecuting attorney, the State enforces the state campaign finance disclosure laws contained

1 in RCW 42.17A.

2 2.2 Defendant Sam Hunt was a 2016 candidate for the state Senate in the 22nd
3 Legislative District during the relevant time periods. As such, he was expected to comply with
4 the provisions of RCW 42.17A.

5 2.3 Defendant Sam Hunt for State Senate is a candidate authorized committee
6 registered by Defendant Hunt as his candidate committee on October 10, 2015. As such, it was
7 expected to comply with the provisions of RCW 42.17A.

8 III. JURISDICTION AND VENUE

9 3.1 This Court has subject matter jurisdiction over the present case, in accordance
10 with RCW 42.17A. The Attorney General has authority to bring this action pursuant to
11 RCW 42.17A.765.

12 3.2 This Court has personal jurisdiction over the Defendants, a resident of the State
13 of Washington and a political committee registered and reporting in the State of Washington,
14 respectively. Additionally, some or all of the acts complained of here took place in Thurston
15 County in the State of Washington.

16 3.3 Venue is proper in this Court pursuant to RCW 4.12.020(1).

17 IV. FACTUAL ALLEGATIONS

18 4.1 RCW 42.17A declares as a matter of public policy "[t]hat political campaign
19 and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is
20 to be avoided." RCW 42.17A.001(1). The statute further provides that the provisions of the law
21 "shall be liberally construed to promote complete disclosure of all information respecting the
22 financing of political campaigns."

23 4.2 RCW 42.17A.235, RCW 42.17A.240, WAC 390-16-207, and WAC 390-16-041
24 require candidates to timely disclose in-kind contributions, monetary expenditures, and debts
25 they incur or orders placed when the estimated value of the debt exceeds two hundred fifty
26 dollars, or exceeds fifty dollars and has been outstanding for over thirty days. These activities

1 are reported on the "Summary, Full Report Receipts and Expenditures," designated by the
2 Commission as form C-4 pursuant to WAC 390-16-041. This report is due monthly, until 21
3 days before a primary or general election in which a candidate's name appears on the ballot at
4 which time the reports must be filed 21 days and seven days before the general election.

5 4.4 Defendant Hunt was a candidate for the state senate for the 22nd Legislative
6 District during election year 2016. On or about October 10, 2015, Defendant Hunt filed a
7 Candidate Registration form C-1, and registered his candidate committee (Defendant Sam
8 Hunt for State Senate).

9 Failure to Timely Report Debts and Obligations/Orders Placed

10 4.5 During the course of the campaign, Defendants purchased services to promote
11 Defendant Hunt's election to the state senate. These services included mailer printing for
12 campaign literature Defendants distributed ahead of the August 2016 primary election and a
13 joint mailer distribution in October 2016 ahead of the November 8, 2016 general election.

14 4.6 On or before July 15, 2016, Defendants placed an order with and incurred debt
15 to a private vendor to produce and distribute a campaign mailing for the 2016 primary election.
16 Defendants arranged for mailing of the literature, and paid \$3,618.45 for postage on
17 July 15, 2016. Defendants ultimately paid the private company \$3,630.13 to print and
18 distribute the mailers.

19 4.7 Defendants' payment of \$3,618.45 for postage on July 15, 2016 was required to
20 be reported no later than July 26, 2016 on Defendants' seven-day pre-primary C-4 report. It
21 was not reported until August 2, 2016 on an amended seven-day pre-primary C-4 report. This
22 expenditure was reported at least seven days late.

23 4.8 Defendants' cost for printing the July 2016 mailer was required to be reported
24 as a debt incurred or order placed during the reporting period when it occurs, typically prior to
25 the invoice for the services for printing being paid. The debt/order should have been reported
26 no later than July 26, 2016 at the latest. Defendants did not report the debt until

1 September 1, 2016, and then only to show it as a monetary expenditure. As such, it was
2 reported at least 37 days late.

3 4.9 Then again in October 2016, Defendants submitted another mailer to the public
4 in support of Defendant Hunt's candidacy. Defendants reported paying for postage for the
5 mailer on October 17, 2016. At the latest, the printing order should have also been reported as
6 a debt incurred or order placed by October 17, 2016. Defendants did not report the \$2,504
7 printing expense for the mailer until disclosing it as a monetary expenditure on
8 October 31, 2016. As such, it was reported at least 14 days late.

9 4.10 In total, Defendants failed to timely report orders placed/debts incurred in the
10 amount of \$9,752.75 between seven and at least 37 days late.

11 Failure to Report In-Kind Contribution for Mailing Database

12 4.11 During the 2016 election campaign, Defendants developed a campaign mailing
13 list. They obtained at least a portion of the names for the mailing list from the Washington
14 State Democratic Party's voter database. To date, Defendants have failed to disclose the value
15 of the Party mailing list they accessed and used to develop the campaign's mailing list. To the
16 extent that Defendants have not reported an expenditure for this mailing list, they should have
17 reported the value of the database as an in-kind contribution.

18 Failure to timely disclose expenditures

19 4.12 Defendants filed C-4 reports disclosing expenditures made by the campaign. On
20 at least three occasions, Defendants filed amended C-4 reports which identified expenditures
21 that should have been reported on the original C-4 report.

22 4.13 On June 6, 2016, Defendants filed a C-4 report covering May 1 to
23 May 31, 2016. That report did not identify any expenses of \$50 or less. Then on July 26, 2016,
24 Defendants filed an amended C-4 report covering the same time period, disclosing an
25 additional \$43.72 in expenditures. The expenditures should have been reported on or before
26 June 12, 2016. The disclosure of the additional expenditures was filed 44 days late.

1 4.14 On July 12, 2016, Defendants filed a C-4 report covering June 1 to July 11,
2 2016. The report disclosed \$41.08 in expenses of \$50 or less. Then on July 26, 2016,
3 Defendants filed an amended C-4 report covering the same time period, disclosing an
4 additional \$15.59 that should have been reported on or before July 12, 2016. The disclosure of
5 this additional expenditure was filed 14 days late.

6 4.15 On October 31, 2016, Defendants filed a C-4 report covering October 18 to
7 October 31, 2016, referred to as the seven day pre-general election C-4. Then on
8 November 22, 2016, Defendants filed an amended C-4 report covering the same time period,
9 disclosing an additional \$360.00 payment to Isaac Wagnitz for "GOTV consulting" that was
10 paid on October 24, 2016, that should have been reported on or before November 1, 2016. The
11 disclosure of this additional expenditure was filed 21 days late.

12 4.16 In total, Defendants disclosed \$419.31 on three separate C-4 reports a total of
13 80 days late.

14 V. CLAIMS

15 The State re-alleges and incorporates by reference all the factual allegations contained
16 in the preceding paragraphs, and based on those allegations, makes the following claims:

17 5.1 First Claim: The State reasserts the factual allegations made above and further
18 asserts that Defendants in violation of RCW 42.17A.235 and .240 failed to timely and properly
19 report debts and obligations/orders placed as those obligations were incurred by Defendants.

20 5.2 Second Claim: The State reasserts the factual allegations made above and
21 further asserts that Defendants in violation of RCW 42.17A.235 and .240 failed to properly and
22 timely report the value of the mailing list they obtained from the Washington State Democratic
23 Party.

24 5.3 Third Claim: The State reasserts the factual allegations made above and further
25 asserts that Defendants in violation of RCW 42.17A.235 and .240 failed to timely report
26 expenditures they made during the 2016 election campaign.

V. REQUEST FOR RELIEF

WHEREFORE, the State requests the following relief as provided by statute:

6.1 For such remedies as the court may deem appropriate under RCW 42.17A.750, including but not limited to imposition of a civil penalty, all to be determined at trial;


6.2 For all costs of investigation and trial, including reasonable attorneys' fees, as authorized by RCW 42.17A.765(5);

6.3 For temporary and permanent injunctive relief, as authorized by RCW 42.17A.750(1)(h); and

6.4 For such other legal and equitable relief as this Court deems appropriate

DATED this 24th day of February, 2017.

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