

FILED

JUL 14 2017

Superior Court  
Linda Myhre Enlow  
Thurston County Clerk

**STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,  
  
Plaintiff,

v.

KITTITAS COUNTY DEMOCRATS,  
a Washington registered political  
committee and Washington nonprofit  
corporation,

Defendant.

NO. 17-2-04103-34  
COMPLAINT FOR CIVIL PENALTIES  
AND FOR INJUNCTIVE RELIEF FOR  
VIOLATIONS OF RCW 42.17A

**I. NATURE OF ACTION**

The State of Washington (State) brings this action to enforce the State's campaign finance disclosure law, RCW 42.17A. The State alleges that Defendant, KITTITAS COUNTY DEMOCRATS, a Washington registered political committee and Washington nonprofit corporation, violated provisions of RCW 42.17A by failing to timely report contributions received and expenditures made as required by law to be made with the State Public Disclosure Commission. 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. Acting through the Washington State Public Disclosure Commission, Attorney General, or a local prosecuting attorney, the State enforces the state campaign finance and disclosure laws contained in RCW 42.17A.

COPY

1           2.2     Defendant KITTITAS COUNTY DEMOCRATS (the Committee) is registered  
2 as a Washington nonprofit corporation. It is also registered with the state Public Disclosure  
3 Commission as a continuing bona fide political party committee. As the term is used under  
4 RCW 42.17A.005(6)(c), it is the county central committee for the Washington State  
5 Democratic Central Committee in Kittitas County, Washington.

### 6                                   **III.            JURISDICTION AND VENUE**

7           3.1     This Court has subject matter jurisdiction over the present case, in accordance  
8 with RCW 42.17A. The Attorney General has authority to bring this action pursuant to RCW  
9 42.17A.765.

10          3.2     This Court has personal jurisdiction over Defendant, a registered Washington  
11 state political committee. Additionally, the acts alleged below occurred in whole or in part in  
12 Thurston County, Washington.

13          3.3     Venue is proper in this Court pursuant to RCW 4.12.020(1).

### 14                                   **IV.            FACTUAL ALLEGATIONS**

15          4.1     RCW 42.17A declares as a matter of public policy “[t]hat political campaign  
16 and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is  
17 to be avoided.” RCW 42.17A.001(1). Further, the statute provides that the provisions of the  
18 law “shall be liberally construed to promote complete disclosure of all information respecting  
19 the financing of political campaigns. . . .”

20          4.2     Washington’s campaign finance law requires a campaign to timely report  
21 contributions received. The information required to be disclosed includes the name and address  
22 of the source of contributions that exceed \$25 in the aggregate, and the employer and  
23 occupation of any individual contributor giving more than \$100 in the aggregate.  
24 RCW 42.17A.240; WAC 390-16-037. Contribution disclosures are reported on a Public  
25 Disclosure Commission form “C3” which is called the “Cash Receipt Monetary Contributions”  
26 form. Each week’s contributions must be reported on the following Monday during the five

1 months prior to a general election. RCW 42.17A.235(3).

2 4.3 Washington's campaign finance law also requires political committees to timely  
3 report expenditures related to state campaigns, including any debts incurred by the political  
4 committee. RCW 42.17A.235, .240(8); RCW 42.17A.005(20). The PDC form to report  
5 expenditures is called a "Summary, Full Report Receipts and Expenditures" and is a form  
6 "C-4." An expenditure is defined to include "a *promise to pay*, . . . . For the purposes of this  
7 chapter, agreements to make expenditures, contracts, and promises to pay may be reported as  
8 estimated obligations until actual payment is made." RCW 42.17A.005(20).

9 4.4 The Committee is a bona fide political party committee as the term is used in  
10 RCW 42.17A, and is more specifically a county central committee of the Washington State  
11 Democratic Central Committee. As such, the Committee routinely raises funds in order to  
12 support various democratic candidates and ballot propositions. Since 2012, the Committee  
13 received contributions and made expenditures, all of which were required to be reported in  
14 accordance with RCW 42.17A.

15 4.5 The activities of the Public Disclosure Commission, including its receipt and  
16 compilation of reports required by law, are conducted in and about Thurston County.

17 4.6 In 2013, the Public Disclosure Commission received a complaint that the  
18 Committee had violated state law by failing to timely file and report contributions it received  
19 and expenditures it made for the year 2013.

20 4.7 In May 2016, the Committee entered into an agreement with Commission staff,  
21 acknowledging the late filings for the year 2013 and its failure to file reports electronically.  
22 The Commission imposed a \$500 penalty with \$400 suspended for a period of four years based  
23 on no violations during that period.

24 4.8 On May 8, 2017, the Attorney General's Office received a citizen action notice  
25 alleging that the Committee had failed to timely file reports of contributions received and  
26 expenditures made for the years 2015, 2016, and 2017.

1 Failure to Timely Report Contributions Received

2 4.9 The Committee failed to timely disclose contributions it received as required by  
3 law on a C-3 report. Specifically, the Committee failed to timely file and disclose \$18,639.36  
4 in contributions received during 2012, 2014, 2015, 2016, and 2017 on 77 separate C-3 reports.  
5 These reports ranged from one to 198 days late, representing a collective total of 5,567 days  
6 late:

Year	Total Deposits	Number of C-3 Reports	Days Late	Total Days Late
2012	\$2,043.34	13	2 - 63	337
2014 - 2015	\$5,916.91	37	5 - 198	4,174
2015 - 2017	\$10,679.11	27	1 - 107	1,056
<b>TOTAL</b>	<b>\$18,639.36</b>	<b>77</b>		<b>5,567</b>

10 Failure to Timely Report Expenditures/Deposits

11 4.10 In 2012, 2014, 2015, 2016, and 2017, the Committee failed to timely disclose  
12 expenditures made and in-kind contributions received as required by law on a C-4 report.  
13 Specifically, the Committee failed to timely file and disclose \$16,227.38 in expenditures made  
14 and in-kind contributions received during 2015, 2016, and 2017 on 31 separate C-4 reports.  
15 These reports ranged from one to 519 days late, representing a collective total of 4,113 days  
16 late:

Year	Total Expenditures	Number of C-4 Reports	Days Late	Total Days Late
2012	\$2,289.00	4	2 - 83	187
2014 - 2015	\$6,939.97	15	33 - 519	2,656
2015 - 2017	\$7,048.41	12	1 - 231	1,270
<b>TOTAL</b>	<b>\$16,277.38</b>	<b>31</b>		<b>4,113</b>

20 **V. CLAIMS**

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

23 5.1 First Claim: The State reasserts the factual allegations made above and further  
24 asserts that Defendant, in violation of RCW 42.17A.235(3), failed to timely disclose  
25 contributions it received to the Public Disclosure Commission.  
26

1       5.2     Second Claim: Plaintiff reasserts the factual allegations made above and further  
2 asserts that Defendant, in violation of RCW 42.17A.235, failed to timely disclose expenditures  
3 it made and in-kind contributions it received to the Public Disclosure Commission.

4                               **VI.       REQUEST FOR RELIEF**

5       WHEREFORE, the State requests the following relief as provided by law:

6       6.1     For such remedies as the court may deem appropriate under RCW 42.17A.750,  
7 including but not limited to imposition of a civil penalty, all to be determined at trial;

8       6.2     For all costs of investigation and trial, including reasonable attorneys' fees, as  
9 authorized by RCW 42.17A.765(5);

10       6.3     For temporary and permanent injunctive relief, as authorized by  
11 RCW 42.17A.750(1)(h); and

12       6.4     For such other legal and equitable relief as this Court deems appropriate.

13       DATED this 14th day of July, 2017.

14   OFFICE OF THE ATTORNEY GENERAL  
15   State of Washington

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17   \_\_\_\_\_  
18   LINDA A. DALTON, WSBA No. 15467  
19   Senior Assistant Attorney General  
20   Attorneys for Plaintiff State of Washington