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7 **STATE OF WASHINGTON**
 THURSTON COUNTY SUPERIOR COURT

8 STATE OF WASHINGTON,

NO. 17-2-00847-34

9 Plaintiff,

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

10 v.

11 FRANK CHOPP, individually, and
12 CITIZENS FOR FRANK CHOPP, a
candidate authorized committee,

13 Defendants.
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15 **I. NATURE OF ACTION**

16 The State of Washington (State) brings this action to enforce the state's campaign
17 finance disclosure law, RCW 42.17A. The State alleges that Defendants, FRANK CHOPP,
18 individually, and CITIZENS FOR FRANK CHOPP, a candidate authorized committee,
19 violated provisions of RCW 42.17A by failing to timely disclose contributions received,
20 expenditures made, and debt incurred/orders placed during the 2016 Chopp campaign for the
21 state representative for the 43rd Legislative District. The State seeks relief under RCW
22 42.17A.750 and .765, including penalties, costs and fees, and injunctive relief.

23 **II. PARTIES**

24 2.1 Plaintiff is the State of Washington. Acting through the Washington State
25 Attorney General, a local prosecuting attorney, or the Public Disclosure Commission, the State
26 enforces the state campaign finance disclosure laws contained in RCW 42.17A.

1 2.2 Defendant Frank Chopp was a state representative candidate for the 43rd
2 Legislative District during 2016. As such, he was obligated to comply with the state campaign
3 finance disclosure laws during his candidacy.

4 2.3 Defendant Citizens for Frank Chopp is the candidate authorized committee
5 formed under RCW 42.17A.005(3) to accept contributions and make expenditures in support
6 of Defendant Chopp's 2016 candidacy. In that capacity, the committee was obligated to
7 comply with the state campaign finance disclosure laws during Defendant Chopp's candidacy.

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 Defendants, who are either a resident
13 of the State of Washington or a political committee registered and reporting in the State of
14 Washington. Additionally, the acts complained of here took place in Thurston County in the
15 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 state's campaign
21 finance and disclosure law "shall be liberally construed to promote complete disclosure of all
22 information respecting the financing of political campaigns."

23 4.2 RCW 42.17A.235 and RCW 42.17A.240 require candidates to timely disclose
24 contributions received and expenditures made in regular intervals. Contributions received are
25 reported on the "Cash Receipts Monetary Contributions" form, designated by the Public
26 Disclosure Commission (Commission) as form C-3 pursuant to WAC 390-16-031. These

1 reports are due monthly until the first day of the fifth month before the date of the general
2 election, at which point they are due on the Monday following the date of the contributions
3 deposit. Expenses paid are reported as part of a candidate's expenditures on the "Summary,
4 Full Report Receipts and Expenditures," designated by the Commission as form C-4 pursuant
5 to WAC 390-16-041. This report is due monthly, until 21 days before a primary or general
6 election in which a candidate's name appears on the ballot at which time the reports must be
7 filed 21 days and seven days before the general election.

8 4.3 RCW 42.17A.405(14) prohibits candidates from accepting contributions that
9 exceed the contribution limits for the position they seek. In accordance with WAC 390-16-312,
10 monies received which if retained would constitute an over-limit contribution, must be
11 returned within ten days of receipt.

12 4.4 RCW 42.17A.235, RCW 42.17A.240, and WAC 390-16-041 require candidates
13 to timely disclose debts they incur and orders placed when the estimated value of the
14 obligation exceeds \$250, or exceeds \$50 and has been outstanding for over 30 days. These
15 debts are reported as part of a candidate's expenditures on the "Summary, Full Report Receipts
16 and Expenditures," designated by the Commission as form C-4 pursuant to WAC 390-16-041.
17 This report is due monthly, until 21 days before a primary or general election in which a
18 candidate's name appears on the ballot at which time the reports must be filed 21 days and
19 seven days before the general election.

20 4.5 Defendant Chopp was a candidate during 2016 for state representative for the
21 43rd Legislative District. On January 28, 2015, Defendant Chopp registered Defendant
22 Citizens for Frank Chopp committee with the state Public Disclosure Commission.

23 4.6 The 2016 General Election was held on November 8, 2016.

24 Late-disclosed contributions and expenditures

25 4.7 On March 10, 2015, Defendants filed an amended C-4 report disclosing \$6,722
26 in expenditures that should have been reported no later than February 10, 2015. As such, these

1 expenditures were reported 28 days late.

2 4.8 On November 7, 2016, Defendants filed an amended C-3 report disclosing
3 \$5,150 in contributions received. These contributions should have been disclosed on
4 October 24, 2016; as such, they were disclosed 14 days late and one day before the general
5 election.

6 Over-limit contributions

7 4.9 Legislative candidate contribution limits for 2016 were \$1,000 for the primary
8 election and \$1,000 for the general election.

9 4.10 On November 8, 2016, Defendants received \$2,000 in contributions from the
10 Puyallup Tribe. As of November 8, 2016, the Puyallup Tribe had already contributed \$1,800 to
11 Defendant Chopp's re-election campaign.

12 4.11 On November 9, 2016, Defendants returned \$850 of the funds to the Puyallup
13 Tribe. These funds were timely returned.

14 4.12 On November 26, 2016, Defendants returned \$1,000 to the Puyallup Tribe.
15 These funds were returned eight days late.

16 Debt incurred

17 4.13 During his 2016 re-election campaign, Defendant Chopp kept a log of trips he
18 took for campaign purposes, including 123 trips which totaled slightly under 2,000 miles. On
19 November 26, 2016, Defendant Citizens for Frank Chopp paid Defendant Chopp \$1,000 as
20 mileage reimbursement for his campaign mileage. Defendants disclosed this \$1,000 payment
21 on December 12, 2016, more than one month following the 2016 election. Defendants failed to
22 timely disclose this travel debt as it was incurred during the course of the 2016 election
23 campaign.

24 4.14 During his 2016 re-election campaign, Defendant Chopp used his personal
25 computer and printer for campaign-related activities, including for campaign correspondence
26 and disclosure reports. On November 26, 2016, Defendant Citizens for Frank Chopp paid

1 Defendant Chopp \$200 as reimbursement for the campaign expenses related to this use, and an
2 additional \$87.13 reimbursement for parking, postage, and office supplies. Defendants failed to
3 timely disclose these debts during the course of the 2016 election campaign.

4 4.15 On January 6, 2017, Defendant Chopp returned \$1,287.13 to his campaign as a
5 refund of the reimbursements he received on November 26, 2016.

6 V. CLAIMS

7 Plaintiff re-alleges and incorporates by reference all the factual allegations contained in
8 the preceding paragraphs, and based on those allegations, makes the following claims:

9 5.1 First Claim: Plaintiff reasserts the factual allegations made above and further
10 asserts that Defendants, in violation of RCW 42.17A.240, failed to timely disclose monetary
11 contributions received by Defendants to the Public Disclosure Commission.

12 5.2 Second Claim: Plaintiff reasserts the factual allegations made above and further
13 asserts that Defendants, in violation of RCW 42.17A.405, failed to timely return an over-limit
14 contribution received by Defendants.

15 5.3 Third Claim: Plaintiff reasserts the factual allegations made above and further
16 asserts that Defendants, in violation of RCW 42.17A.240, failed to timely disclose
17 expenditures including campaign debt incurred by Defendants to the Public Disclosure
18 Commission.

19 VI. REQUEST FOR RELIEF

20 WHEREFORE, Plaintiff requests the following relief as provided by law:

21 6.1 For such remedies as the court may deem appropriate under RCW 42.17A.750,
22 including but not limited to imposition of a civil penalty, all to be determined at trial;

23 6.2 For all costs of investigation and trial, including reasonable attorneys' fees, as
24 authorized by RCW 42.17A.765(5);

25 6.3 For temporary and permanent injunctive relief, as authorized by RCW
26 42.17A.750(1)(h); and

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

DATED this 24th day of February, 2017.

ROBERT W. FERGUSON
Attorney General



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