



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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November 10, 2015

THE HONORABLE GINA TVEIT  
669 PEND OREILLE LOOP  
COLVILLE WA 99114

Subject: Final Order, Gina Tveit, PDC Case No. 15-045

Dear Judge Tveit:

Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case No. 15-045. The Order assesses a civil penalty of \$4,500 against you. Of the total penalty amount, \$1,500 is suspended on the condition that you:

1. File all contribution and expenditure reports for your 2014 campaign electronically within 30 days of the date of the final order;
2. Commit no violations of RCW 42.17A within four years of the date of the final order in this matter; and
3. Pay the non-suspended portion of the penalty (\$3,000) within 30 days of the date of the final order.

Also enclosed is a copy of the partial Stipulation of Facts.

Please submit payment of the \$3,000 penalty within 30 days of the date of the final order. The payment should be made payable to "WA STATE TREASURER" and should reference Case No. 15-045. If you require assistance in filing reports electronically, please contact me at (360) 586-1042; toll free at (877) 601-2828 or by email at [tony.perkins@pdc.wa.gov](mailto:tony.perkins@pdc.wa.gov). I will refer you to a PDC filer assistance specialist.

Sincerely,

Tony Perkins  
Acting Director of Compliance

Enclosures: Final Order in Case Nos. 15-045  
Information about Appeals and Enforcement of Final Orders

cc: Jerry Moberg

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

9 IN RE COMPLIANCE WITH RCW 42.17A:

10 Gina Tveit,

11 Respondent.  
12

PDC CASE NO. 15-045

FINAL ORDER OF THE PUBLIC  
DISCLOSURE COMMISSION

13 **I. INTRODUCTION**

14 This matter was heard by the Washington State Public Disclosure Commission (PDC)  
15 during its regular meeting held on October 22, 2015 at the PDC Office, 711 Capitol Way, Room  
16 206, Olympia, Washington 98504. The hearing was held pursuant to RCW 34.05, RCW 42.17A,  
17 and WAC 390-37. The proceeding was open to the public and recorded.

18 Katrina Asay, PDC Chair, Anne Levinson, PDC Vice-Chair and PDC Member John  
19 Bridges were present. Senior Assistant Attorney General Linda A. Dalton represented the PDC.  
20 Assistant Attorney General Chad C. Standifer represented PDC staff. Attorney Jerry Moberg  
21 represented Respondent Gina Tveit. Ms. Tveit was present and testified on her own behalf. PDC  
22 Director of Compliance Tony Perkins testified for PDC staff.

23 The PDC had before it the following materials:

- 24 1. Amended Notice of Administrative Charges dated June 16, 2015;  
25 2. Report of Investigation and attached Exhibits 1–6, dated June 12, 2015;  
26 3. Addendum to the Report of Investigation and attached Exhibits 1–2, dated July 9, 2015;

1 4. PDC staff's Witness List and Exhibits S1–S10, dated August 19, 2015;

2 5. Partial Stipulation as to Facts, signed by the Respondent and by PDC staff on October  
3 13, 2015; and

4 6. List of comparable past PDC Final Orders.

5 The hearing concerned allegations that Respondent violated RCW 42.17A.410 by  
6 accepting an in-kind contribution for her 2014 election that exceeded contribution limits;  
7 violated RCW 42.17A.235 and RCW 42.17A.240 by failing to timely file C-3 Monetary  
8 Contributions reports and C-4 Summary, Full Reports of Contributions and Expenditures,  
9 including debts and obligations; violated RCW 42.17A.205 by failing to timely file a C-1  
10 Candidate Registration within two weeks of becoming a candidate for office; and violated RCW  
11 42.17A.245 by failing to file contribution and expenditure reports using the required electronic  
12 method.

13 **Stipulation**

14 The parties jointly submitted a signed partial Stipulation as to Facts. Mr. Standifer  
15 summarized the Stipulation as to Facts and asked the Commission to accept the Stipulation. Mr.  
16 Moberg also urged the Commission to accept the Stipulation.

17 The Commission voted 3-0 to accept the partial Stipulation as to Facts.

18 **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

19 After reviewing the record, including PDC staff Exhibits S1–S10 (which were admitted  
20 into evidence) and the parties' partial Stipulation as to Facts, which is hereby attached and  
21 incorporated by reference; after hearing testimony from Respondent and Mr. Perkins; and  
22 considering the parties' argument, the Commission makes the following Findings of Fact and  
23 Conclusions of Law:

24 1. The parties agreed to the PDC's jurisdiction over this matter and the PDC laws and rules  
25 applicable to the allegations are identified in the Stipulation.

26 /

2. In or around January 2014, Respondent discussed with her father, Gary Ghramm, that she may have an opponent in her reelection race for Stevens County District Court Judge. They discussed a specific person who was a possible opponent for Respondent.
3. As a result of that conversation, Mr. Ghramm engaged the services of a private investigator to look into the background of the possible opponent. Mr. Ghramm paid \$4,500 for a report from the private investigator.
4. In or about April 2014, upon receipt of the report from the private investigator, Mr. Ghramm provided the report to Respondent. After reviewing the report, Respondent forwarded it to the Washington State Bar Association for action as that entity might deem appropriate. Respondent did not use the report further in her campaign.
5. Respondent did not report the value of the investigation report on any contribution or expenditure reports she filed with the PDC.
6. Respondent also reviewed Stevens County court case files related to the possible opponent.
7. Respondent also had contact with the private investigator following her receipt of the investigation report. Respondent did not get any further services from the private investigator.
8. Based on the facts the parties agreed to and found by the PDC, Mr. Ghramm's expenditure for the investigative services constituted a contribution to Respondent under RCW 42.17A.005(13)(a)(ii), WAC 390-05-210(3), and WAC 390-05-215. The expenditure was conducted in cooperation, consultation, concert, or collaboration with Respondent.
9. The value of the investigative services and report of \$4,500 that Respondent accepted from Mr. Ghramm exceeded the applicable contribution limits of \$1,900 by \$2,600, a violation of RCW 42.17A.410.
10. Receipt of this in-kind contribution triggered Respondent's obligation to register as a candidate. Respondent failed to timely file a Candidate Registration (C-1 report) within two weeks of receiving this in-kind contribution in violation of RCW 42.17A.205.

1 11. Respondent violated RCW 42.17A.235 and RCW 42.17A.240 by failing to timely file her  
2 June 2014 C-4 Summary, Full Report of Contributions and Expenditures, with expenditures  
3 totaling \$6,551 (32 days late); by failing to timely file a C-3 Monetary Contributions report  
4 disclosing a \$24,791 contribution from the candidate (119 days late); by failing to timely file  
5 C-4 reports disclosing \$24,791 in expenditures (54-97 days late); by failing to timely file a  
6 C-4 report disclosing the \$4,500 in-kind contribution from Mr. Ghramm and a \$2,600 debt  
7 owed to Mr. Ghramm to repay the over-limit portion of his in-kind contribution (nearly a year  
8 late); and by failing to disclose orders placed totaling \$22,113 on the C-4 report.

9 12. Respondent spent more than \$5,000 in her 2010 campaign for Stevens County District Court  
10 Judge, and expected to spend \$5,000 in her 2014 campaign for the same office. As such,  
11 Respondent was required under RCW 42.17A.245 and WAC 390-19-030 to file all  
12 contribution and expenditure reports for her 2014 election campaign via the approved  
13 electronic method.

14 13. Respondent filed her 2014 contribution and expenditure reports manually, on paper, a  
15 violation of RCW 42.17A.245.

16 Based upon the findings and conclusions, the Commission orders that:

### 17 III. ORDER

18 1. Respondent, Gina Tveit, is assessed a civil penalty of \$4,500. Of the total penalty amount,  
19 \$1,500 is suspended based on Respondent's compliance with the following conditions:

- 20 a. Respondent file her 2014 contribution and expenditure reports electronically within  
21 30 days of the date of the final order;
- 22 b. Respondent commit no violations of RCW 42.17A within four years of the date of  
23 the final order in this matter; and
- 24 c. Respondent pays the non-suspended portion of the penalty (\$3,000) within 30 days  
25 of the date of the final order.

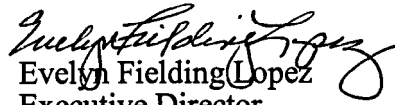
1 In the event Respondent fails to meet either of the terms in paragraph 1, the suspended  
2 portion of the penalty (\$1,500) shall become due without any further intervention of the  
3 Commission.

4 Pursuant to WAC 390-37-100, the Executive Director is authorized to enter this order on  
5 behalf of the Commission.

6 So ORDERED this 10th day of November, 2015.

7 WASHINGTON STATE PUBLIC  
8 DISCLOSURE COMMISSION

9 FOR THE COMMISSION:

10   
11 Evelyn Fielding Lopez  
Executive Director

12 **ATTACHMENTS:**

- 13 (1) *Stipulation as to Facts (October 13, 2015)*  
14 (2) *Appeals and Enforcement of Final Orders*

15 **Copy of this Order to:**

16 Gina Tveit, Respondent  
17 Jerry Moberg, Counsel for Respondent Tveit

I, Tony Perkins, certify that I mailed a  
copy of this order to the Respondent/Applicant at  
his/her respective address postage pre-paid on the date  
stated herein.

18 **NOTICE: RECONSIDERATION**

19 PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY  
20 FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE  
21 (21) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY  
22 REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR  
23 THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE  
24 WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY,  
25 ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.  
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3 NOTICE: PETITION FOR JUDICIAL REVIEW

4 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,  
5 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW  
6 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE  
7 FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND  
8 THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE  
9 DATE THIS FINAL ORDER IS SERVED UPON YOU.  
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**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action  
Against:

Gina Tveit

Respondent.

Case No. 15-045

STIPULATION AS TO FACTS

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Evelyn Lopez, and Respondent Gina Tveit, through her attorney, Jerry J. Moberg, submit this Stipulation as to Facts in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

**JURISDICTION**

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance and disclosure laws; RCW 34.05, the Administrative Procedure Act; and WAC 390.

**FACTS**

1. Gina Tveit was elected Stevens County District Court Judge in the November 2, 2010 general election. On May 24, 2014, Ms. Tveit filed a C-1 report registering her candidacy for re-election in 2014. There was no primary election held for the office. Ms. Tveit was elected Stevens County District Court Judge in the November 4, 2014 general election.
2. In the winter of 2013, Ms. Tveit and her father, Gary Ghramm, discussed a rumor that Michael Clay was considering running for Stevens County District Court Judge. Ms. Tveit's



father expressed concerns to Ms. Tveit concerning alleged inappropriate professional conduct by Mr. Clay, in his capacity as a deputy prosecutor or contracted public defender. Mr. Ghramm engaged the services of Ted Pulver, a private investigator, to investigate the alleged past conduct of Michael Clay, sometime in January 2014. The results of the investigation by Ted Pulver were never used by Ms. Tveit in any manner during her campaign.

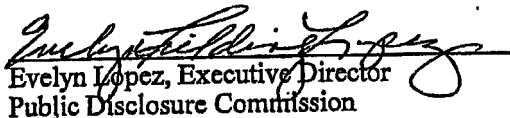
3. Public Disclosure Commission Staff allege that because Mr. Ghramm's expenditures for investigative services were conducted in consultation with Ms. Tveit, they constituted an in-kind contribution to her 2014 general election campaign. Ms. Tveit was therefore required to file a C-1, registering her candidacy, within two weeks of the date she was informed of her father's activities, or by no later than February 13, 2014. She filed a candidate registration on May 24, 2014, 100 days after February 13, 2014. Ms. Tveit disputes these claims.
4. After the PDC staff started a formal investigation and on the recommendation of the PDC staff Ms. Tveit reported the value of Ted Pulver's services as a \$4,500 in-kind contribution from her father for the 2014 primary election. Ms. Tveit did not agree that it was an in-kind contribution but believed that the PDC would drop the matter if she reported the value of the services as an in-kind contribution. Mr. Ghramm's limit to Ms. Tveit's campaign for the 2014 primary election was \$1,800.
5. The Campaign received monetary and in-kind contributions totaling \$46,679, with an equal amount of expenditures. Of this amount, Ms. Tveit contributed \$40,207 in personal funds which represented 86.5 percent of all contributions received.
6. The Campaign filed its June 2014 C-4 report 32 days late, on August 11, 2014. The report, due July 10, 2014, included expenditures totaling \$6,551, of which \$6,182 was for political advertising materials.
7. The Campaign was required to file a C-3 report by October 6, 2014, disclosing receipt of \$24,791 in personal funds from Ms. Tveit on October 1, 2014. The Campaign did not report the contribution until February 2, 2015, 119 days late and nearly three months after the 2014 general election. The late-reported contribution represented 53.1 percent of all contributions received by the Campaign.

8. The Campaign failed to timely disclose \$22,113 in direct mail and newspaper political advertising orders on the 21-day pre-general election C-4 report due on October 14, 2014. The orders placed were disclosed 111 days late on February 2, 2015, in a combined C-4 report covering the period of October 14, 2014 through December 10, 2014.
9. The Campaign failed to timely file its 7-day Pre-General election C-4 report by October 28, 2014, and its Post-General election C-4 report by December 10, 2014. The 7-day C-4 report was filed 97 days late, and the Post-General election C-4 report was filed 54 days late, both on February 2, 2015. The late reported activities included:

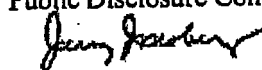
- 1) A \$24,791 deposit of contributions from Ms. Tveit's personal funds; and
- 2) \$24,791 in campaign expenditures for political advertising.

These expenditures were reported 97 days late.

10. Public Disclosure Commission Staff further allege: that the \$4,500 in-kind contribution received from Mr. Ghramm for the cost of hiring a private investigator to investigate Mr. Clay was reported at least 265 days late; and that \$2,600 in outstanding debts or obligations owed to Mr. Ghramm to repay the over-limit portion of his in-kind contribution was reported late. Ms. Tveit disputes these claims.
11. The Campaign filed its C-3 and C-4 reports manually on paper, rather than by the required electronic method. The campaign was required to file electronically because it raised and spent over \$5,000. The Campaign did not request an exemption from the electronic filing requirement, and therefore failed to report electronically.
12. Ms. Tveit handled the campaign primarily on her own. She was not familiar with all of the filing requirements. She did not intentionally fail or refuse to file any report and she made a full disclosure of her campaign contributions, mostly self-contributions, and her expenses.

  
Evelyn Lopez, Executive Director  
Public Disclosure Commission

10/13/2015  
Date Signed

  
Jerry J. Moberg, Attorney for Respondent Gina Tveit

10/13/15  
Date Signed

# INFORMATION ABOUT APPEALS AND ENFORCEMENT OF FINAL ORDERS

## APPEALS

### RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150*. (Note that the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

### FURTHER APPEAL RIGHTS – SUPERIOR COURT

A final order issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

## ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.