



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.pdcc.wa.gov

Memorandum

To: Nancy Isserlis, Public Disclosure Commission Vice-Chair/Presiding Officer

From: Kurt Young, Compliance Officer

Date: April 4, 2023

Subject: Raymond Clough: Amended Brief Enforcement Hearing Memorandum,
PDC Case 111409

Allegations:

- PDC staff alleges that Raymond Clough, a first-time candidate for public office in 2018 seeking the office of Klickitat County Commissioner, violated RCW 42.17A.235 and .240 by failing to file Monetary Contributions reports (C-3 reports) and Summary Full Reporting of Contribution and Expenditures Reports (C-4 reports) disclosing contribution and expenditure activities in support of his candidacy.
- On August 4, 2022, the PDC received a complaint from Connor Edwards against Raymond Clough alleging violations of RCW 42.17A.235 and .240 by failing to file C-3 and C-4 reports disclosing contribution and expenditure activities undertaken during the 2018 election cycle.

Background and Prior Violations:

- On May 2, 2018, Raymond Clough filed a Candidate Registration (C-1 report) declaring his candidacy for the office of Klickitat County Commissioner in 2018 as an “Independent” candidate, selecting the Full Reporting Option and listing himself as the Campaign Treasurer.
- Despite selecting the Full Reporting Option, Mr. Clough failed to file any C-3 and C-4 reports during the 2018 election cycle, and his name appeared on both the 2018 primary and general election ballots.
- David Sauter was the incumbent Klickitat County Commissioner in 2018, having been elected to office in 2010, re-elected to office in 2014, and he was re-elected again in 2018 receiving 70.4% of the primary vote and 71.2% of the vote in the general election. For the 2018 election cycle, Mr. Sauter was under the Full Reporting Option and disclosed receiving only \$5,107.20 in total contribution received, and only spent \$767.71 in total expenditures that included \$617.71 for the filing fee, and \$150 for a professional photographer.

- Mr. Clough has no prior PDC violations, and staff could not find any other complaints, or other notifications that he failed to file reports during the 2018 election cycle. Mr. Clough's 2018 Campaign for Klickitat County Commissioner was the only election in which he was a candidate for office in Washington State.
- PDC staff sent the following communications to Mr. Clough using the official email and mailing addresses he provided to the PDC on his 2018 Candidate Registration:
 1. On August 10, 2022, PDC staff sent an email to Raymond Clough at the most current email address he provided on his Candidate Registration filed in 2018, informing him that a complaint had been filed and requesting he respond to the complaint and staff's questions.
 2. On September 22, 2022, PDC staff sent a follow-up email to Mr. Clough informing him about the complaint filed and requesting he respond to the complaint and staff's questions.
 3. On October 26, 2022, PDC staff sent an email to Mr. Clough informing him that staff has not received a response and has scheduled an Initial Hearing for November 1, 2022.
 4. On November 1, 2022, PDC staff sent an email to Mr. Clough informing him that a formal investigation has been opened and attaching the Initial Hearing results.
 5. February 24, 2023, PDC staff mails and emails Mr. Clough copies of the BAP Hearing Notice and the PDC Enforcement Guide.
- On March 28, 2023, one day prior to the March 29, 2023 Brief Enforcement Hearing PDC staff received both a voice message and an email response from Mr. Clough stating that he had received the BAP Hearing notice, and that he noticed it included an incorrect date. He included in his email a screenshot from his 2018 filing indicating that he does not currently owe an F-1 report (which staff notes was not being alleged), and requesting staff send him blank PDFs of the C-3 and C-4 reports.
- PDC staff responded to Mr. Clough within 30 minutes, stating that the BAP hearing had been cancelled for March 29th and rescheduled for April, and that he would be notified of the new date. Staff requested Mr. Clough provide an email response and include a brief narrative summarizing his 2018 contribution and expenditure activities undertaken in support of his Klickitat County Commissioner candidacy, along with an explanation about the lack of a formal response to the allegations listed in the complaint.

Staff Recommendation:

- Staff recommends the Presiding Officer find that Raymond Clough violated RCW 42.17A.235 and .240 by failing to file any C-3 and C-4 reports during his 2018 Campaign for Klickitat County Commissioner as a candidate under the Full Reporting Option.
- Staff recommends the Presiding Officer assess a \$150 civil penalty in accordance with WAC 390-37-143, the BAP penalty schedule for a first-time candidate with no prior PDC violations, and the \$150 penalty payable within 30 days of the date of the Order.