



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.pdcca.wa.gov

Memorandum

To: Public Disclosure Commission

From: Jennifer Hansen, Compliance Officer

Date: October 10, 2022

Subject: Robert Amenn Enforcement Hearing Memorandum: PDC Case #111937

Allegations:

PDC staff alleges that Robert Amenn, a candidate for State Representative, Legislative District 12 in the 2022 election, violated of RCW 42.17A.235 & .240 for failure to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign as required by campaigns registered under the “Full Reporting” option.

Background:

- Robert Amenn was a candidate for State Representative, Legislative District 12 in the August 2, 2022 Primary Election and received 14.37% of the vote. Mr. Amenn’s name will appear on the November 8, 2022 General Election.
- Mr. Amenn declared his candidacy for State Representative, Legislative District 12 on May 20, 2022.
- On June 21, 2022, Robert Amenn filed the C-1 report, selecting the “Full Reporting” option and listing himself as Treasurer and the only officer. **[Exhibit A]**
- On August 28, 2022, PDC staff received a complaint filed by Conner Edwards alleging that Robert Amenn had violated of RCW 42.17A.235 & .240 for failure to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign as required by campaigns registered under the “Full Reporting” option. **[Exhibit B]**

Robert Amenn
October 20, 2022, Enforcement Hearing Memo
PDC Case No. 111937
Page - 2 –

- PDC staff sent notice of the complaint to Mr. Amenn on August 31, 2022 and requested a response by September 14, 2022. **[Exhibit C]**
- When no response was received and no reporting was done, staff sent a second notice of the complaint to Mr. Amenn on September 15, 2022 and requested a response by September 23, 2022. **[Exhibit C]**
- On September 29, 2022, PDC staff served Robert Amenn, by U.S. mail and electronic mail, with a hearing notice for a Brief Adjudicative Proceeding to be held on October 20, 2022, concerning alleged violations RCW 42.17A.235 & .240 for failure to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign as required by campaigns registered under the “Full Reporting” option. **[Exhibit D]**

Laws & Rules:

RCW 42.17A.235 and **RCW 42.17A.240** require candidates to file timely, accurate reports of contributions and expenditures. Under the “Full Reporting” option, until five months before the general election, C-3 and C-4 reports are required monthly when contributions exceed \$200 since the last report; on the twenty-first day and the seventh day preceding the date of the primary and general election date; and on the tenth day of the first month after the primary and general election date.

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Exhibit List:

- **Exhibit A** – Candidate Registration (C-1 report) for Robert Amenn, filed June 21, 2022
- **Exhibit B** – PDC Case #111937; Robert Amenn Complaint; received August 28, 2022
- **Exhibit C** – Original Notice of Complaint; sent electronically on August 31, 2022 & Second Notice of Complaint; sent electronically on September 15, 2022
- **Exhibit D** – Brief Adjudicative Proceeding (Brief Enforcement Hearing) Notice; dated September 29, 2022

EXHIBIT A



EDIT COMMITTEE



CANDIDACY

— UNVERIFY

AMEND



COPY



Admin Data

Committee Category: Candidate

Robert Kenneth Amenn

Robert Kenneth Amenn
319 13th St
Gold Bar, WA 98251
robert@albionnet.com
3604215119

Registration Filed

Candidate
Full Reporting
Submitted date: 06/21/2022
Certified by robert@albionnet.com
2022
AMENR-879

Candidacy

Robert Kenneth Amenn
Leg District 12 - House
State Representative
Position State Representative Pos. 2
Republican
robert@albionnet.com

Bank Information

Bank Of America
19917 Old Owen Rd
Monroe, WA 98272
To schedule books review contact robert@albionnet.com

Officers

Robert Amenn

Candidate
Treasurer
319 13th St
Gold Bar, WA 98251
robert@albionnet.com
3604215119

Candidate is treasurer.

Registration attachments

Name	Description	Document Type	Actions
No data available			
Rows per page: 10  - < >			

Committee attachments

Name	Description	Submitted At	Document Type	Actions
No data available				
Rows per page: 10  - < >				

EXHIBIT B

Respondent Name
Robert Amenn
Complainant Name
Conner Edwards
Complaint Description
Conner Edwards <i>(Sun, 28 Aug 2022 at 4:18 PM)</i> See complaint.
What impact does the alleged violation(s) have on the public?
See complaint.
List of attached evidence or contact information where evidence may be found
List of potential witnesses
Certification (Complainant)
I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

Hello:

The committee “Robert Amenn” (2022) appears to have failed to timely file C4s.

This candidate filed as “full-reporting” however has not filed a single C3 or C4 report. This candidate would have been required to file a May C4 report because of the filing fee for this office being greater than \$200, and of course would have been required to file both the 21-day and 7-day pre-election report because he was on the ballot in the primary. See attached.

Robert Amenn also recently appeared before the agency at the August 25, 2022 regular meeting to seek an F1 modification, so he would appear to be aware of the existence of the PDC and some of the requirements that it enforces.

Letter to Respondent

To Whom It May Concern:

I apologize for filing this complaint against your campaign/committee. It is not my intention to cause you any inconvenience. I am filing a batch of complaints against campaigns/committees that have failed to timely file C4s in recent election cycles to demonstrate the PDC’s unwillingness to meaningfully enforce the statutory requirement to timely file C4s described in RCW 42.17A.235.

This is a relevant issue because the PDC appears poised to propose dramatically increasing the number of C4s that filers would be required to file in the month leading up to the primary and general elections. If this proposal were to be adopted by the Legislature, it would dramatically increase the amount of work that campaign treasurers and committees would be required to perform. The agency has offered little in the way of evidence to suggest that this proposal would result in any meaningful benefit to the voting public.

Currently, the agency does not actively investigate campaigns/committees to determine whether they have timely filed C4 forms. The agency *does* do this as it relates to the timely filing of C1/F1 forms. When adjudicating complaints alleging late C4 reporting, the PDC has leaned heavily on the use of “warning letters”. These letters are, in essence, dismissals, and are not a meaningful deterrent for those who would engage in late reporting.

Put simply, the agency’s rhetoric (“C4s contain valuable information for voters; any additional burden to filers stemming from increased reporting is justified”) does not match the agency’s actions (dismissing complaints that demonstrate filers haven’t filed C4 reports on time).

By highlighting the agency’s failure to meaningfully enforce current reporting deadlines, my hope is that the agency will look to improve its own enforcement procedures before saddling filers with additional reporting obligations.

No campaign treasurer or campaign/committee is perfect. Trying to comply with the myriad of requirements and deadlines the PDC enforces can be extremely difficult, even for those who have been doing this for years. The agency could adopt any number of strategies to help filers “get it right” when it

comes to deadlines and other requirements. Some of these strategies might include: a) automated electronic filing reminders to a filer when they have missed a deadline, b) mandatory attendance in a PDC training course before a person is allowed to serve as treasurer, and c) giving filers 48 hours to file 21- & 7-day pre-election reports as opposed to the 24 hours we currently get.

Sincerely,

Conner Edwards
Campaign Treasurer



Robert Kenneth Amenn

Robert Kenneth Amenn
319 13th St
Gold Bar, WA 98251
robert@albionnet.com
3604215119

Registration Filed

Candidate
Full Reporting
Submitted date: 2022-06-21
Certified by robert@albionnet.com
2022
AMENR--879

Candidacy

Robert Kenneth Amenn
Leg District 12 - House
State Representative
Position State Representative Pos. 2
Republican
robert@albionnet.com

Bank Information

Bank Of America
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To schedule books review contact robert@albionnet.com

Officers

Robert Amenn

Candidate
Treasurer
319 13th St
Gold Bar, WA 98251
robert@albionnet.com
3604215119

Candidate is treasurer.

Attachments

Name	Description



PDC staff is working remotely

The PDC remains available for remote assistance, consistent with the governor's emergency proclamations. Please contact us for assistance at (360) 753-1111 or pdc@pdc.wa.gov.

[For Voters & the Public](#) [For Candidates](#) [For Political Committees](#) [For Incidental Committees](#) [For Lobbyists](#) [For Elected Officials](#)

Robert K Amenn - 2022

Candidate Information

Office:

STATE REPRESENTATIVE

Jurisdiction:

LEG DISTRICT 12 - HOUSE

Party:

REPUBLICAN

Registration:

June 21, 2022

Address:

319 13TH ST
GOLD BAR, WA 98251

Email:

ROBERT@ALBIONNET.COM

Phone:

3604215119

Financial Information

No data available.

Status

Primary**Election Status:**

Qualified for
general

**Campaign
Status:**

Candidate
declared

Reports

Candidate's
Personal Financial
Affairs disclosure

Candidate's
surplus funds
account

Independent Expenditures

spending for and against this candidate

Independent expenditures are made by third parties that are not part of a candidate's campaign.

No Independent Expenditures reported

See Independent Expenditures

Debts

incurred by candidate

This information shows the debt for the campaign as of the submission date of the related report.

Outstanding debt for campaign is \$0.00

See Debts

Campaign Finance Reports

See the reports filed by the candidate. Reports with a strikethrough were amended by another report.

No reports found for this candidate

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August 2, 2022 Primary Results

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LEGISLATIVE DISTRICT 12 - State Representative Pos. 2

Last updated on 08/16/2022 4:29 PM

LEGISLATIVE DISTRICT 12 - State Representative Pos. 2

[County Results & Map](#)

Candidate		Vote	Vote %
Robert K Amenn	(Prefers Republican Party)	4,681	14.37%
Mike Steele	(Prefers Republican Party)	26,249	80.56%
WRITE-IN		1,652	5.07%
Total Votes		32,582	

EXHIBIT C

Jennifer Hansen

replied

a month ago (Wed, 31 Aug 2022 at 3:08 PM)

To:robert@albionnet.com

Hello Robert Amenn,

The Public Disclosure Commission received a complaint from Conner Edwards on August 28, 2022, which has been assigned PDC Case Number 111937.

The Complaint alleges the following:

- **Alleged Violations of RCW 42.17A.235 & .240 for failure to timely & accurately disclose contributions & expenditures on C-3 and C-4 reports.**

Please review the attached complaint and provide your response by **Wednesday, September 14, 2022.**

I can see from reviewing our records that you filed a C-1 (Candidate Registration) choosing the "Full Reporting" option but have not submitted any Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign.

You may review our guides and instructions at the website (<https://www.pdc.wa.gov/registration-reporting>).

If further assistance filing or amending reports beyond the guides and videos is needed, please reply to this message with a request to be assigned a Filer Assistance Specialist so that you receive timely and coordinated guidance.

For more information about the enforcement process, please see our [Enforcement Guide](#).

If you have any questions, please reply to this email.

Thank you,

Jennifer Hansen (she/her)
Compliance Officer
Public Disclosure Commission
pdc@pdc.wa.gov

1.360.586.4560

****Please click Reply when responding to this email**

Jennifer Hansen

replied

25 days ago (Thu, 15 Sep 2022 at 2:25 PM)

To: robert@albionnet.com

Mr. Amenn:

I am following up regarding the response to a complaint filed by Conner Edwards on August 28, 2022 alleging violations of RCW 42.17A.235 and .240 for failing to file C-3 and C-4 reports as required for campaigns choosing the "Full Reporting" option on the C-1 report (candidate registration. Although you are not required to submit a response, it is helpful for me to include any mitigating circumstances prior to determining an appropriate resolution.

I encourage you to file the missing reports immediately. Staff is available to assist you with your filing obligations.

Please review the attached complaint and provide a response by **Friday, September 23, 2022.**

Jennifer Hansen (she/her)
Compliance Officer
Public Disclosure Commission
pdc@pdc.wa.gov
1.360.586.4560

****Please click Reply when responding to this email**

EXHIBIT D



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@pdc.wa.gov • Website: www.pdc.wa.gov

September 29, 2022

Robert Amenn
319 13th Street
Gold Bar WA 98251

Also delivered electronically to Robert Amenn at "robert@albionnet.com"

Subject: Robert Amenn; PDC Case Number 111937

The Public Disclosure Commission (PDC) is investigating a complaint filed on August 28, 2022 by Conner Edwards. The complaint alleges that you, a candidate in the 2022 election for State Representative in Legislative District 12, may have violated RCW 42.17A.235 & .240 for failure to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign as required by campaigns registered under the "Full Reporting" option.

In accordance with RCW 42.17A.110 and RCW 42.17A.755, a Brief Adjudicative Proceeding (Brief Enforcement Hearing) has been scheduled to determine if you violated RCW 42.17A.235 & .240 by failing to timely and accurately file C-3 and C-4 reports. Under the Brief Enforcement Hearing rules, the Presiding Officer has the authority to assess a civil penalty in accordance with WAC 390-37-143, a penalty schedule adopted by the Commission (see enclosed copy).

BRIEF ENFORCEMENT HEARING NOTICE

Date and time:	Thursday, October 20, 2022 at 1:00 p.m.
Place:	Remotely from Olympia Live Audio and Online Transmission
Presiding Officer:	Public Disclosure Commission
Authority:	RCW 42.17A and WAC 390

You are not required by law to attend the hearing. However, the Public Disclosure Commission recommends that respondents appear whenever possible.

PARTICIPATING VIA MICROSOFT TEAMS

Rev 9/2022

The Enforcement Hearing will be audio and video recorded. Some Commission members and staff will be in-person at the PDC office in Olympian and some will join the meeting remotely.

PLEASE READ THE ENTIRE INSTRUCTION Prior to joining the meeting

How to participate remotely in the Washington State Public Disclosure Commission Meeting on October 20, 2022:

Please note you may be prompted to download MS TEAMS App or use a supported browser: Microsoft Edge  or Chrome  for best performance.

Participation Remote via MS Teams

On the date of the meeting and at the designated agenda time you will Join:

Microsoft Teams meeting info for October 20, 2022

Join on your computer or mobile app [Click here to join the meeting](#)

Please remember to **Mute** yourself and turn your **camera off** when you are not talking.

If you experience technical difficulties with the MS Teams participation after the meeting has started at 1:00 p.m., call the PDC's main number 1-360-753-1111 and staff will try to assist you.

If you have any questions about the hearing process prior to the hearing date, please contact Jennifer Hansen by email at pdcc@pdc.wa.gov.

Sincerely,

Jennifer Hansen
PDC Compliance Officer

Enclosure

WAC 390-37-143 Brief enforcement hearings (brief adjudicative proceeding)—Penalty schedule. The presiding officer may assess a penalty up to one thousand dollars upon finding a violation of chapter 42.17A RCW or Title 390 WAC.

(1) Base penalty amounts:

Violation	1st Occasion	2nd Occasion	3rd Occasion
Failure to timely file an accurate and complete statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Candidate's failure to timely file an accurate and complete registration statement (C-1)/statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150 per report	\$150 - \$300 per report	\$300 - \$600 per report up to \$1,000
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150 per report	\$300 per report	\$600 per report up to \$1,000
Failed to file report by date of enforcement hearing.	\$250 per report	\$500 per report	consideration by full commission
Failure to timely file an accurate and complete lobbyist monthly expense report (L-2):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Failure to timely file an accurate and complete lobbyist employer report (L-3):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Failure to timely file accurate and complete disclosure reports:			
Political committee registration (C-1pc).	\$150	\$300	\$600
Statement of contributions deposit (C-3).	\$150	\$300	\$600
Summary of total contributions and expenditures (C-4).	\$150	\$300	\$600
Independent expenditures and electioneering communications (C-6).	\$150	\$300	\$600
Last minute contribution report (LMC).	\$150	\$300	\$600
Out-of-state committee report (C-5).	\$150	\$300	\$600
Annual report of major contributors (C-7).	\$150	\$300	\$600
Failure to timely file accurate and complete reports disclosing lobbying activities:			
Lobbyist registration (L-1).	\$150	\$300	\$600
Public agency lobbying report (L-5).	\$150	\$300	\$600
Grass roots lobbying report (L-6).	\$150	\$300	\$600

Violation	1st Occasion	2nd Occasion	3rd Occasion
Failure to file electronically.	\$350	\$650	\$1,000
Exceeding contribution limits.	\$150	\$300	\$600
Exceeding mini reporting threshold.	\$150	\$300	\$600
Failure to comply with political advertising sponsor identification requirements.	\$150	\$300	\$600
Failure to include required candidate's party preference in political advertising.	\$150	\$300	\$600
Failure to comply with other political advertising requirements, RCW 42.17A.330 through 42.17A.345.	\$150	\$300	\$600
Use of public facilities to assist a campaign for election or promote a ballot measure.	\$150	\$300	\$600
Treasurer's failure to timely file an accurate and complete annual treasurer's report (T-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000

"Occasion" means established violation. Only violations in the last five years will be considered for the purpose of determining second and third occasions.

(2) In determining the appropriate penalty, the presiding officer may consider the nature of the violation and aggravating and mitigating factors, including:

(a) Whether the respondent is a first-time filer;

(b) The respondent's compliance history for the last five years, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(c) The respondent's unpaid penalties from a previous enforcement action;

(d) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period, or otherwise had a significant or material impact on the public;

(e) The amount of financial activity by the respondent during the statement period or election cycle;

(f) Whether the late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(g) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention;

(h) Good faith efforts to comply, including consultation with PDC staff prior to initiation of enforcement action and cooperation with PDC staff during enforcement action, and a demonstrated wish to acknowledge and take responsibility for the violation;

(i) Personal emergency or illness of the respondent or member of his or her immediate family;

(j) Other emergencies such as fire, flood, or utility failure preventing filing;

(k) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization; and

(l) PDC staff, third-party vendor, or equipment error, including technical problems at the agency preventing or delaying electronic filing.

(3) The presiding officer has authority to suspend all or a portion of an assessed penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of the entry of the order in that case.

(4) If, on the third occasion, a respondent has outstanding penalties or judgments, the matter will be directed to the full commission for consideration.

(5) The presiding officer may direct a matter to the full commission if the officer believes one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission. Cases will automatically be scheduled before the full commission for an enforcement action when the respondent:

(a) Was found in violation during a previous reporting period;

(b) The violation remains in effect following any appeals; and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-37-143, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 42.17A.570. WSR 18-10-088, § 390-37-143, filed 5/1/18, effective 6/1/18. Statutory Authority: RCW 42.17A.110. WSR 17-03-004, § 390-37-143, filed 1/4/17, effective 2/4/17.]