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

10 In Re: The Matter of Enforcement Action
11 Against:

PDC CASE NO. 136406

FINAL ORDER

12 AVRUM (ALEX) TSIMERMAN,
13 Respondent.
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17 This matter was heard by the Washington State Public Disclosure Commission
18 (Commission) on September 28, 2023, by in-person, telephonic, and online streaming access.
19 The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37
20 WAC.

21 Commissioners present in-person were Nancy Isserlis, Commission Chair (presiding);
22 Allen Hayward, Commission Vice-Chair; and Commissioners Fred Jarrett and J. Robert Leach.
23 Also present both in-person and online were Assistant Attorney General John S. Meader
24 representing the Commission, Assistant Attorney General Susie Giles-Klein representing PDC
25 Staff, and Erick Agina, PDC Compliance Officer. Notice was provided to the Respondent and
26

1 he did not appear on his own behalf. The proceeding was open to the public and recorded.
2

3 The Commissioners had before them the following materials:
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- 5 • Notice of Administrative Charges dated September 18, 2023, submitted by Peter Lavalee,
6 PDC Executive Director;
- 7 • Enforcement Hearing Notice, PDC Case 136406, dated September 10, 2023;
- 8 • Amended Enforcement Hearing Notice, PDC Case 136406, dated September 18, 2023;
- 9 • Witness and Exhibit List, dated September 20, 2023, filed by Susie Giles-Klein, Assistant
10 Attorney General and admitted without objection:

- 11 ○ Exhibit 1: Screenshot from Washington Secretary of State website
12 of Respondent's declaration of candidacy for the 2022 State Senate
13 primary election campaign, filed on May 17, 2022;
- 14 ○ Exhibit 2: Screenshot from Washington Secretary of State website of
15 Respondent's declaration of candidacy for the 2023 Bellevue City
16 Council primary election campaign, filed on May 18, 2023;
- 17 ○ Exhibit 3: Screenshot from Washington Secretary of State website of
18 Respondent's declaration of candidacy for the 2023 Bellevue City
19 Council general election campaign, filed State Senate primary election
20 campaign, filed on May 18, 2023;
- 21 ○ Exhibit 4: Screenshot of Respondent's campaign website advertising
22 his 2023 candidacy for Bellevue City Council Position 3;
- 23 ○ Exhibit 5: Complaint in PDC Case No. 136406, filed on April 28,
24 2023;
- 25 ○ Exhibit 6: Email to Respondent with attached Complaint Notice,
26 dated May 9, 2023;

- Exhibit 7: Screenshot of PDC website showing no Campaign Finance Reports filed for Respondent's 2022 State Senate Campaign for Legislative District 46, undated;
- Exhibit 8: Screenshot of PDC website showing no Campaign Finance Reports filed for Respondent's 2023 Bellevue City Council Campaign, undated;
- Exhibit 9: Initial Hearing Notice for Case No. 136406, dated July 24, 2023;
- Exhibit 10: Commission Order Imposing Fine for PDC Case No. 95308, dated September 13, 2021;
- Exhibit 11: Commission Order Imposing Fine for PDC Case No. 109529, dated August 11, 2022;
- Exhibit 12: Commission Final Order for PDC Case No. 120879, dated May 4, 2023;
- Exhibit 13: Report of Investigation for PDC Case No. 136406 with attached exhibits, dated September 18, 2023.

I. FINDINGS OF FACT

This matter involves allegations the Respondent violated RCW 42.17A.235 and RCW 42.17A.240 by failing to file the required Cash Receipts Monetary Contribution (C-3) and Summary, Full Report Receipts and Expenditures (C-4) reports for political office in election years 2022 and 2023. The Respondent has three prior violations with the PDC.

1. On or about May 17, 2022, the Respondent Avrum (Alex) Tsimerman filed his Declaration of Candidacy for State Senator in the 46th Legislative District with

1 the Secretary of State's Office. The Respondent appeared on the primary
2 election ballot but did not advance to the general election.
3

4 2. Respondent was a candidate in the 2022 primary election and paid a filing fee of
5 \$568. Candidates in the 2022 election with expenditures of over \$200 were
6 required to file an initial C-4 report. In addition, candidates on the ballot for the
7 primary election in 2022 are required to file a C-4 report with the PDC 21 days
8 and 7 days prior to the primary election regardless of contributions received or
9 expenditures made. Respondent failed to file any of these three required
10 reports.
11

12 3. No evidence was presented of contributions or expenditures by the
13 Respondent's campaign in 2022 beyond the filing fee. C-3 reports are only
14 required when contributions are received and do not include loans from the
15 candidate to his own campaign.
16

17 4. Between January 3, and January 12, 2023, Respondent appeared at three
18 different venues holding public meetings and declared his candidacy for public
19 office. Specifically, the Respondent appeared and declared his candidacy at a
20 meeting held before the Kirkland City Council on January 3, 2023, where he
21 stated during the public comment period: "[m]y name Alex Tsimerman and I
22 right now candidate for King County Bellevue Council 2023." The Respondent
23 then attended and announced his candidacy on January 10, 2023, at a Port of
24 Seattle Commission meeting stating: "[m]y name Alex Tsimerman I'm
25 president of Standup America and I am a candidate right now for King County
26

1 District No. 6, 2023.” The Respondent also declared his candidacy on January
2 12, 2023, at a public meeting of the Sound Transit Board where he stated: “[h]i
3 my name Alex Tsimerman and I very appreciate you Council Balducci mention
4 my name because I’m right now candidate for King County Council 23.”
5

6 5. Beginning on or about the month of January, 2023, Respondent has maintained
7 a campaign website which clearly identifies him as a “2023 – Candidate for
8 King County, Bellevue” on the landing page. On or about the month of May,
9 2023, Respondent updated his campaign’s website landing page to specify the
10 race he is running for: “2023 - Bellevue City Council Position 3.”
11

12 6. On April 28, 2023, PDC Staff received a complaint filed against the Respondent
13 alleging that he had failed to timely file the required statutory C-3 and C-4
14 reports for election years 2022 and 2023.
15

16 7. On May 9, 2023, PDC Staff sent a copy of the complaint to the Respondent via
17 email attachment and requested a response to the allegations outlined in the
18 complaint by May 23, 2023. The Respondent did not respond to PDC Staff’s
19 inquiry.
20

21 8. On May 18, 2023, the Respondent filed his Declaration of Candidacy for
22 Bellevue City Council, Position 3, with the Secretary of State’s Office. The
23 Respondent advanced to the general election and is currently a 2023 general
24 election candidate.
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- 1 9. Respondent is a candidate in the 2023 election. He paid a filing fee of \$287.28
2 but this did not exceed the new \$750 expenditure threshold that would require
3 filing an initial C-4 report. PDC staff did not present evidence of other
4 contributions or expenditures by Respondents campaign that would exceed the
5 threshold. There was also no primary election held for this position in 2023 to
6 require filing of the 21 day and 7 day C-4 reports since only two candidates
7 were on the ballot. The general election 21 day and 7 day C-4 reports are due in
8 October and filing of them is not yet required as of the date of this hearing.
9
- 10 10. No evidence was presented of contributions or expenditures by the
11 Respondent's campaign in 2023 beyond the filing fee. C-3 reports are only
12 required when contributions are received and do not include loans from the
13 candidate to his own campaign.
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- 15 11. On July 27, 2023, PDC staff held an initial hearing (Case Status Review) after
16 opening a formal investigation for PDC Case No. 136406. Although the
17 Respondent was not required to appear, he was notified of the Initial Hearing
18 and did not appear.
19
- 20 12. As of the date of the Commission hearing on September 28, 2023, Respondent
21 had not filed any of the required C-3 and C-4 reports for the 2022 or 2023
22 political campaigns.
23
- 24 13. Respondent has three prior enforcement matters:
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1 a. PDC Case 95308. Respondent was found to have violated RCW
2 42.17A.700 for failing to timely file a Personal Financial Affairs
3 Statement (F-1 Report) as a 2021 candidate for public office. The
4 Respondent was assessed a civil penalty of \$250 with \$100 suspended
5 under the condition that the report was filed and the non-suspended
6 portion of the penalty was paid within 30 days of the date of the order
7 issued on September 13, 2021. Respondent has not paid the \$250 civil
8 penalty and has not filed the missing F-1 report for 2021.
9

10 b. PDC Case 109529. The Respondent was found to have violated
11 RCW 42.17A.205 and RCW 42.17A.700 for failing to timely file the
12 required Candidate Registration (C-1 report) and Personal Financial
13 Affairs Statement (F-1 Report) as a 2022 candidate for public office.
14 The Respondent was assessed a civil penalty of \$1,000 pursuant to the
15 Commission order dated August 11, 2022. Respondent has not paid the
16 \$1,000 civil penalty or filed the missing C-1 and F-1 reports.
17

18 c. PDC Case 120879. The Respondent was found to have violated
19 RCW 42.17A.205 and RCW 42.17A.700 for failure to file the C-1 and
20 F-1 reports within two weeks of becoming a candidate for the 2023
21 election year. The Respondent was assessed a civil penalty of \$5,000
22 with \$2,000 suspended, under the condition the reports were filed and
23 the non-suspended portion of the penalty was paid within 30 days of the
24 date the order was issued on May 4, 2023. The Respondent has not
25 paid the \$5,000 civil penalty or filed the missing C-1 and F-1 reports.
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II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.
2. Pursuant to RCW 42.17A.235 and .240 political candidates must 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 or expenditures exceed \$200 (\$750 beginning in April, 2023) since the last report was made. C-4 reports are also required 21 and 7 days before each election in which the candidate makes an expenditure, and in the month following the election. Contributions are reported weekly during the same time period and must be disclosed on Monday for contributions deposited during the previous seven days.
3. Pursuant to RCW 42.17A.005(8) a “Candidate” means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when the individual first:
 - (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the individual’s candidacy for office;
 - (b) Announces publicly or files for office;

1 (c) Purchases commercial advertising space or broadcast time to
2 promote the individual's candidacy; or
3

4 (d) Gives consent to another person to take on behalf of the individual
5 any of the actions in (a) or (c) of this subsection.
6

- 7 4. PDC enforcement staff did not present sufficient evidence of contributions or
8 expenditures by Respondent's campaign to meet the agency's burden to show
9 by a preponderance of evidence that filing of C-3 reports or monthly filings of
10 C-4 filings were required in 2022 or 2023.
11

12 13 **III. ORDER**

14 This Order will be the Final Order. After consideration of the mitigating and
15 aggravating factors, the Findings of Fact, and the Conclusions of Law, the Respondent is found
16 to have violated RCW 42.17A.235 and .240 for failing to timely file three C-4 reports for the
17 2022 election. The 2022 reports were due after filing as a candidate, 21 days prior to the 2022
18 primary election, and 7 days prior to the 2022 primary election. Respondent is assessed a civil
19 penalty of \$10,000 per violation (totaling \$30,000), with \$2,500 per violation suspended
20 (totaling \$7,500) on the following conditions:

- 21 1. a. The non-suspended portion of \$7,500 per violation (totaling
22 \$22,500), for failure to file the C-4 reports during the 2022 election year
23 in violation of RCW 42.17A.205 and .240 is paid by the Respondent
24 within 30 days of the date of this Final Order.
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1 b. The missing C-4 Reports due for the 2022 election year after
2 becoming a candidate are filed within 30 days of the date of this Final
3 Order.

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5 c. The missing C-1 and F-1 reports due for election years 2021,
6 2022, and 2023, are filed within 30 days of the date of this Final Order
7 and the unpaid balance of the \$6,250 civil penalty, plus any collection
8 costs, is paid within 30 days of the date of this Final Order.

9
10 d. The Respondent remains in full compliance with all PDC
11 reporting requirements and is not found to have committed any further
12 violations of Chapter 42.17A RCW or Title 390 WAC within four years
13 of the date of this Final Order. The suspended penalty shall not be
14 assessed based solely upon any remediable violation, minor violation, or
15 error classified by the Commission as appropriate to address by a
16 technical correction.

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18 2. If the Respondent fails to meet the conditions in Section III(1) of this order within
19 30 days of the date of this order, the suspended portion of the penalty for calendar
20 year 2023 shall immediately become due and the matter may be sent to collection
21 or brought to Superior Court as allowed by law without further action by the
22 Commission.

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1 SO ORDERED this 6th day of October, 2023.

2 WASHINGTON STATE PUBLIC
3 DISCLOSURE COMMISSION

4 FOR THE COMMISSION:

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6 
Nancy Isserlis (Oct 6, 2023 15:06 PDT)

7 Nancy Isserlis,
8 Chair, Public Disclosure Commission

9 *This order sent by email to:*

10 Avrum (Alex) Tsimmerman, Respondent
11 standup@alexforamerica.com

12 *Hard copies to Respondent at:*
13 P.O. Box 4222, Seattle WA. 98104, and

14 14150 NE 20th St. Bldg. F1, Apt. 258
15 Bellevue, WA 98007, and

16 13020 SE 26th St
17 Bellevue, WA 98005

18 Erick Agina,
19 PDC Compliance Officer,
20 erick.agina@pdc.wa.gov

21 Susie Giles-Klein,
22 Assistant Attorney General for PDC Staff
23 susie.gilesklein@atg.wa.gov

24 ///

25 ///

I, **Erick O. Agina**, certify that I emailed a copy of this order to the Respondent at his respective email address.

Signed: Erick O. Agina
Date: October 10, 2023

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2 **NOTICE: RECONSIDERATION**

3 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
4 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
5 you. Any Request for reconsideration must state the specific grounds for the relief requested.
6 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,
7 711 Capitol Way, Room 206, Box 40908, Olympia WA 98504-0908.

8 **NOTICE: PETITION FOR JUDICIAL REVIEW**

9 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
10 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
11 Order must be filed with the court and also served upon both the Commission and the Office of
12 the Attorney general within thirty (30) days after the date this Final Order is served upon you.
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