



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action
Against

Zack Zappone

Respondent.

PDC Case 136626

Notice of Administrative Charges

I. JURISDICTION

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

II. ALLEGATION(S)

PDC Staff alleges that the Respondent, Zack Zappone, violated RCW 42.17A.235 and .240 by not filing the required individual contributor information for surplus funds transferred as a lump sum from his 2020 campaign for State Representative to his 2021 campaign for Spokane City Council. Specifically, Mr. Zappone failed to file C-3 reports for his 2021 Spokane City Council campaign, disclosing the required information about each contributor giving more than \$25 in the aggregate during the campaign, including: (1) the contributor's name and address; (2) the amount of the contribution; (3) the aggregate of contributions made during the election campaign; and (4) for individual contributors whose aggregate contributions exceed \$100, the occupation of the contributor and the name and location (city and state) of their employer.

III. FACTS

1. Zack Zappone was a candidate for public office in 2020 seeking the office of Washington State Representative, Legislative District 6 Position 1, Spokane County. Mr. Zappone was

defeated in the general election but had surplus funds totaling \$8,411.77 at the conclusion of the campaign.

2. Mr. Zappone registered as a candidate for Spokane City Council in 2021. He was elected in 2021 and assumed office on January 1, 2022. His current term ends on January 1, 2026.
3. The February 2021 C-4 report of contributions and expenditures for Mr. Zappone's 2020 State Representative campaign reflect that a total of \$6,860 in surplus funds transferred to his 2021 campaign for Spokane City Council. Specifically, \$6,115 was transferred on February 10, 2021, and \$745 was transferred on February 28, 2021. Additionally, the April 2021 C-4 for Mr. Zappone's 2020 State Representative campaign reported \$1,000 in surplus funds transferred to his 2021 Spokane City Council campaign on April 3, 2021.
4. In total, Mr. Zappone transferred \$7,860 in surplus funds from his 2020 State Representative campaign to his 2021 campaign for Spokane City Council. These funds are reflected on Mr. Zappone's 2021 Spokane City Council C-4 reports as "contributions received," in lump sum amounts, from Mr. Zappone's 2020 campaign.
5. Mr. Zappone's 2021 campaign for Spokane City Council did not file C-3 reports containing individual contributor information for the surplus funds transferred as a lump sum from his 2020 campaign for State Representative to his 2021 campaign for Spokane City Council, as required by RCW 42.17A.235 and .240.

IV. LAW

RCW 42.17A.235 and .240 require candidates, single election issue political committees, and continuing political committees to file timely, accurate, complete reports of contributions and expenditures. Under the full reporting option, until five months before the general election, C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report. C-4 reports are also required 21 and 7 days before each election in which the committee makes expenditures, and in the month following the election. Contributions are reported weekly during this same time period and must be disclosed on Monday for contributions deposited during the previous seven days. Contribution reports must include detailed information about each contributor giving more than \$25 in the aggregate during the campaign including the contributor's name and address, the amount of the contribution, the aggregate of contributions made during the election campaign, and when the contributor's aggregate contributions exceed \$100, the occupation of the contributor and the name and location (city and state) of their employer.

RCW 42.17A.490 states:

(1) Except as provided in subsection (2) of this section, a candidate for public office or the candidate's authorized committee may not use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate or the candidate's authorized committee to further the candidacy of the individual for an office other than the office designated on the statement of organization. A contribution solicited for or received on behalf of the candidate is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general election for which the candidate is a nominee or is unopposed.

(2) With the written approval of the contributor, a candidate or the candidate's authorized committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate or the candidate's authorized committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with RCW [42.17A.430](#).

PDC Interpretation No. 23-01 states, in part:

The Commission determines that the use of a candidate's surplus contributions for the same person's campaign for a different office are considered contributions to that new campaign. Specifically, when a candidate is transferring surplus contributions from a previously completed election campaign to a new campaign for a different office, those contributions moved to the new campaign must be attributed to their sources, and count toward the contributor's limit for the new campaign. Each contributor whose written approval was obtained must be identified along with their contribution.

RESPECTFULLY SUBMITTED this 12th day of June 2023.

/s/ Electronically Signed

Peter Frey Lavalley
Executive Director