



**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.pdca.wa.gov

July 7, 2023

Delivered electronically to David Tobin at tobindm@yahoo.com

Subject: Complaint filed by Michael Dawes, PDC Case 137262

Dear David Tobin:

Below is a copy of an electronic letter sent to Michael Dawes concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Mr. Dawes, the PDC has dismissed this matter per RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, per WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to follow filing requirements for timely filing of the Personal Financial Affairs Statement (F-1 report). PDC staff expects in the future that you will file all campaign reports on time following PDC laws and rules. If violations of PDC laws or rules occur in the future, the Commission will consider this formal written warning in deciding on further Commission action.

If you have questions, you may contact Tanya Mercier at 1-360-586-4746, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

Endorsed by,

/s/ Electronically signed

Peter Frey Lavallee
Executive Director



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July 7, 2023

Delivered electronically to Michael Dawes at mldawes48@msn.com

Subject: Complaint regarding David Tobin, PDC Case 137262

Dear Michael Dawes:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on May 19, 2023. The complaint alleged that David Tobin, a 2023 appointed Pacific County Commissioner, may have violated RCW 42.17A.700 and .710 for failure to timely and accurately file a Personal Financial Affairs Statement (F-1 report) disclosing financial activity for the twelve months prior to his appointment to office and RCW 42.17A.205 by failing to file a Candidate Registration (C-1 report) disclosing his candidacy for office.

PDC staff reviewed the allegation(s); the applicable statutes, rules, and reporting requirements; the response(s) provided by the Respondent; the applicable PDC reports filed by the Respondent; and other relevant information, to decide whether the record supports a finding of one or more violations.

Based on staff's review, we found the following:

- On January 17, 2023, the Pacific County Board of County Commissioners held a special meeting to interview potential Commissioners to fill a vacancy on the board. At the meeting the Board appointed David Tobin to the position of Commissioner. The Board made the position retroactive to January 1, 2023.
- Per RCW 42.17.700, a Personal Financial Affairs Statement (F-1 report) was due from David Tobin no later than two weeks following appointment to office. Mr. Tobin, once notified by the PDC, filed the F-1 report on June 19, 2023, for the period of 1/1/22 – 12/31/22. The report was 140 days late.
- On May 15, 2023, David Tobin filed a declaration of candidacy with the Washington State Secretary of State's office. Per RCW 42.17A.205, a Candidate Registration (C-1 report) was due to the PDC within two weeks of Mr. Tobin becoming a candidate for office. Mr. Tobin timely filed the C-1 report on May 28, 2023, indicating Full Reporting. PDC staff reviewed the C-1 report and it appears complete.
- During staff's review of the evidence provided in this case, the interview before the Board of Commissioners is determined to have been about the appointment of Mr. Tobin to the office of Commissioner and was not an affirmative action taken by him to

announce his candidacy for the office. As well, an article in The Chinook Observer cited in the complaint is about Mr. Tobin's appointment and not an announcement of candidacy.

- Mr. Tobin has no prior violations of PDC laws.

The late filing of the F-1 report by David Tobin appears to be an oversight and not done to withhold personal financial information from the public.

Based on our case review, in this instance, failure to timely file the candidate F-1 report disclosing financial activity for the previous twelve months does not amount to a finding of a violation that calls for further investigation. As well, the PDC finds that there is no evidence to support a violation of RCW 42.17A.710 and RCW.17A.205 for failing to accurately file an F-1 and not filing a C-1.

Pursuant to WAC 390-37-060(1)(d), however, David Tobin will receive a formal written warning concerning his failure to follow filing requirements for timely filing of the Personal Financial Affairs Statement (F-1 report). PDC staff expects in the future that David Tobin will file all campaign reports on time following PDC laws and rules. If violations of PDC laws or rules occur in the future, the Commission will consider this formal written warning in deciding on further Commission action.

Based on this information, the PDC finds that no further action is called for and has dismissed the matter in accordance with RCW 42.17A.755(1) and WAC 390-37-060(1)(a).

If you have questions, you may contact Tanya Mercer at 1-360-586-4560, or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

/s/ Electronically signed
Tanya Mercier
Compliance Officer

Endorsed by,

/s/ Electronically signed
Peter Frey Lavallee
Executive Director

cc: David Tobin