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

10 In re the Matter of Enforcement Action
11 Against:

PDC CASE NO. 158257

12 AARP No on I 2124, Sponsored by AARP
13 Washington State,

FINAL ORDER

14 Respondent.
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17 **I. INTRODUCTION**

18 This matter was heard remotely by the Washington State Public Disclosure Commission
19 (PDC, Commission) on April 24, 2025, by audio and online streaming. The hearing was held
20 pursuant to Chapter 34.05 RCW, Chapter 42.17A RCW, and Chapter 390-37 WAC.

21 Commissioners present both telephonically and online were J. Robert Leach,
22 Commission Chair (presiding); Douglass North, Commission Vice-Chair; and Commissioners
23 Nancy Isserlis and James Oswald. Also present both telephonically and online were Assistant
24 Attorney General John S. Meader representing the Commission; Assistant Attorney General
25 Simone Prince-Eichner representing PDC staff; and Philip Stutzman, Compliance Officer, for
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1 PDC Staff. Cathleen MacCaul, Treasurer, appeared online on behalf of AARP. Counsel for
2 Respondent AARP, Rebecca H. Gordon, Jonathan P. Hawley, and Antoinette M. Fuoto, of
3 Perkins Coie, also appeared online on behalf of AARP. The proceeding was open to the public
4 and recorded.

5 The hearing concerned allegations that the Respondent violated RCW 42.17A.235 and
6 .240 for failure to timely report the receipt of in-kind contributions from AARP Washington
7 State totaling \$443,561.72 and failed to describe in detail the goods and/or services provided via
8 in-kind contributions as required by law. Three Commissioners disclosed prior to the hearing
9 that they are members of AARP but are not involved in its political activities. The parties were
10 given an opportunity to object and both parties agreed to the participation of the Commissioners
11 in deciding the matter.

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13 The Commissioners had before them the following materials:

- 14 • Report of Investigation for Case #158257, prepared by Philip Stutzman, dated March 14,
15 2025, which included:
- 16 ○ Complaint 1 filed by Conner Edwards against the Respondent, dated
17 August 2, 2024;
 - 18 ○ Response to Complaint 1 from Respondent, received August 23, 2024;
 - 19 ○ Complaint 2, filed by Conner Edwards against the Respondent, dated
20 January 29, 2025;
 - 21 ○ Response to Complaint 2 from Respondent dated February 6, 2025;
 - 22 ○ C-4 Reports for the following dates: March 29, to July 31, 2024; August
23 1, to August 31, 2024; September 1, to October 14, 2024; September 1,
24 2024 to October 14, 2024 (amended and filed February 3, 2025);
25 September 1, to October 14, 2024 (amended and filed February 6, 2025);
26 October 15, to October 28, 2024; October 15, to October 28, 2024

(amended and filed February 17, 2025); October 29 to November 30, 2024; December 1 to December 31, 2024.

o PDC Filer Assistance emails dated August 16, 2024; January 24, 2025; and January 29, 2025.

- Notice of Administrative Charges, dated March 14, 2025.
- Proposed Stipulation as to Facts, Violations, and Penalty, submitted by the parties and signed on April 17, 2025, by Cathleen MacCaul, Treasurer, for Respondent and on April 18, 2025, by Peter Lavallee, Executive Director, for the PDC.
- Notice of Appearance from Jonathan Hawley, WSBA 56297, Rebecca Gordon, and Antoinette Fuoto, dated April 18, 2025, and sworn declarations of good standing from Ms. Gordon and Ms. Fuoto as members of the District of Columbia bar.

II. STIPULATION

The parties jointly submitted a signed Stipulation as to Facts, Violations and Penalty (Stipulation). Ms. Prince-Eichner presented the Stipulation, reviewed the aggravating and mitigating factors, summarized the penalties recommended by PDC Staff, and asked the Commission to accept the Stipulation. Ms. Gordon presented argument in favor of accepting the stipulation, answered questions, and confirmed the information provided by Ms. Prince-Eichner. The Respondent took responsibility and asked the Commission to accept the Stipulation. The Commission voted 4-0 to accept the Stipulation as submitted.

III. FINDINGS OF FACT

1. On March 29, 2024, the Washington State Chapter of AARP created the Political Committee “AARP No on I 2124, Sponsored by AARP Washington State.” The Committee opposed statewide Initiative 2124 that sought to make funding for the state’s long term care

1 program voluntary instead of mandatory. The Committee's treasurer was Cathleen MacCaul,
2 AARP Washington State's Advocacy Director. The Committee received in-kind contributions
3 totaling \$506,945.29 during the period of March 29, 2024, through November 30, 2024, from
4 AARP Washington State. The Committee received no monetary contributions. Respondent has
5 no prior violations with the PDC.

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7 2. The Respondent failed to timely file C-4 reports between March 29, 2024, and
8 December 31, 2024. The detailed factual circumstances concerning the late reports are described
9 in the agreed Stipulation at sections 2-10 (pages 2-5) and are incorporated by reference into this
10 Final Order.

11 12 **IV. CONCLUSIONS OF LAW**

13 1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A
14 RCW, the state campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative
15 Procedure Act; and Title 390 WAC.

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17 2. Pursuant to RCW 42.17A.235 and .240, Respondent failed to timely file reports on
18 the receipt of in-kind contributions from AARP Washington State totaling \$443,561.72, reported
19 between 10 and 111 days late, including \$2,750 reported 90 days after the November 5, 2024,
20 general election and \$390,000 and \$42,830.72 (later amended to \$43,221.72) reported three days
21 after the general election.

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23 3. Mitigating factors in this case are: the Respondent's Treasurer was working on
24 her first major initiative campaign and was using the PDC reporting software for the first time;
25 the Treasurer worked cooperatively with the PDC and sent multiple emails seeking guidance
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1 and assistance; the Respondent contends, and the PDC does not refute, that its failure to timely
2 report was unintentional and that they misunderstood the deadlines involved.

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4 4. Aggravating factors in this case are: Statewide Initiative 2124 was a significant
5 campaign, and the Committee failed to report over \$435,000 in in-kind contributions until after
6 the election which denied the public information concerning the Committee's financial
7 opposition to this ballot measure; the contributions were made by the organization that created
8 the Committee and should have been readily available.

9 10 **V. ORDER**

11 Based upon the stipulated Findings of Fact and the Commission's Conclusions of Law,
12 the Commission accepts the agreed Stipulation of the parties as to Facts, Violations, and Penalty
13 and orders that:

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15 1. The Respondent pay an aggregate civil penalty of \$5,000 for all the violations
16 combined with \$2,500 suspended on the following conditions:

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18 a. The non-suspended portion of the penalty (\$2,500) is paid by the
19 Respondent within 30 days of the date of the Final Order.

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21 If the Respondent fails to make timely payment of the non-suspended
22 portion of the penalty, the total civil penalty of \$5,000 shall immediately
23 become due and the matter may be sent to collection or brought to
24 Superior Court as allowed by law without further action by the
25 Commission.
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1 b. The Respondent remains in full compliance with all PDC reporting
2 requirements and is not found to have committed any further violations
3 of Chapter 42.17A RCW or Title 390 WAC within four years of the date
4 of this Final Order. The suspended penalty shall not be assessed based
5 solely upon any remediable violation, minor violation, or error classified
6 by the Commission as appropriate to address by a technical correction.

7
8 So ORDERED this __6th__ day of May, 2025.

9 WASHINGTON STATE PUBLIC
10 DISCLOSURE COMMISSION

11 FOR THE COMMISSION:

12 J. Robert Leach

13 J. Robert Leach (May 6, 2025 11:41 PDT)

14 J. Robert Leach,
15 Chair, Public Disclosure Commission

16 *Copy of this Order mailed and/or emailed to:*

17 Jonathan Hawley, Rebecca Gordon, and Antoinette Fuoto, Counsel for Respondent,
18 JHawley@perkinscoie.com; RGordon@perkinscoie.com; AFuoto@perkinscoie.com.

19 Phil Stutzman, PDC Compliance Officer, phil.stutzman@pdc.wa.gov.

20 Simone Prince-Eichner, Assistant Attorney General, Counsel for PDC Staff, [simone.prince-](mailto:simone.prince-eichner@atg.wa.gov)
21 [eichner@atg.wa.gov](mailto:simone.prince-eichner@atg.wa.gov).

22 I, Jana Greer, Administrative Officer, certify that I mailed and/or emailed a copy of this order to the
23 Respondent/ Applicant at his/her respective address postage pre-paid on the date stated
24 herein.

25 
26 Signed _____ Date 05/06/25

27 **NOTICE: RECONSIDERATION**

28 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for

1 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
2 you. Any Request for reconsideration must state the specific grounds for the relief requested.
3 Petitions must be electronically mailed to the Washington State Public Disclosure Commission,
4 711 Capitol Way, Room 206, Box 40908, Olympia WA 98504-0908, pdc@pdc.wa.gov.

5 **NOTICE: PETITION FOR JUDICIAL REVIEW**

6 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
7 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
8 Order must be filed with the court and also served upon both the Commission and the Office of
9 the Attorney general within thirty (30) days after the date this Final Order is served upon you.
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Final_Order_AARP_158257-Stipulation 05-06-2025

Final Audit Report

2025-05-06

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-  Document e-signed by J. Robert Leach (j.leach@pdc.wa.gov)
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