

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

In the Matter of Enforcement Action
Against:

AARP No on I 2124 Sponsored by
AARP Washington State,

Respondent.

Case No. 158257

**STIPULATION AS TO
FACTS, VIOLATIONS, AND
PENALTY**

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Peter Frey Lavallee, and Respondent, AARP No on I 2124 Sponsored by AARP Washington State, through its Treasurer, Cathleen MacCaul, submit this Stipulation as to Facts, Violations, and Penalty in this matter. In lieu of a contested hearing, the parties jointly present this stipulation to the Commission for its review and approval. The parties agree that the Commission has the authority to accept, reject, or modify the terms of this Stipulation. The parties further agree that in the event the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

JURISDICTION

The Public Disclosure Commission 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.

FACTS

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). The Committee opposed statewide Initiative 2124 that sought to make

funding for the state's long term care program voluntary instead of mandatory. The Committee's treasurer was Cathleen MacCaul, AARP Washington State's Advocacy Director. The Committee received in-kind contributions totaling \$506,945.29 during the period of March 29, 2024 through Nov. 30, 2024 from AARP Washington State. The Committee received no monetary contributions.

Late Reporting

2. C-4 Report, 3/29/24 – 7/31/24, filed 8/2/24 (Report #110 235 448): This report was the initial C-4 report filed by the Committee, consisting of in-kind contributions totaling \$17,415. Of this amount, in-kind contributions totaling \$3,245 were received April 30, 2024 and were required to be reported by May 10, 2024, but were reported 84 days late on August 2, 2024. In-kind contributions totaling \$4,345 were received May 31, 2024 and were required to be reported by June 10, 2024, but were reported 53 days late on August 2, 2024.
3. The Committee's treasurer entered the data for these two reports timely, on or around May 2, 2024 and June 5, 2024 respectively. This was her first time using the Commission's database for campaign finance reporting, however, and she was unaware that the data she entered had not displayed publicly. She contacted the Commission staff proactively, and before receiving the complaint in this matter, as soon as she was made aware of this and rectified the problem.
4. C-4 Report, 9/1/24 – 10/14/24, filed 10/7/24 (Report #110 249 913): This report was the original 21-day pre-general election C-4 report that was timely filed, disclosing \$30,718.57 in in-kind contributions. However, the report failed to include an in-kind contribution of \$2,750 that was received on October 7, 2024, described as "TVW – Cable ads, digital ads on website. Rotated by station." This additional \$2,750 in-kind contribution was required to be reported by October 15, 2024, but was reported 111 days late on February 3, 2025, 90 days after the general election, on Amended Report #110 269 953.

5. C-4 Report, 9/1/24 – 10/14/24, filed 2/6/25 (Report #110 270 515): In addition, this final amended 21-day pre-general election report included additional in-kind contributions totaling \$390,000 (\$125,000 received October 1, 2024 and \$265,000 received October 4, 2024) for political advertising that included radio spots that ran from October 1 to November 5, 2024, and digital video commercials in multiple media outlets that ran from October 4 to November 5, 2024. These in-kind contributions were initially reported on the original seven-day pre-general election C-4 report, due October 29, 2024 but filed November 8, 2024, 10 days late and three days after the November 5, 2024 general election. At the direction of Commission staff, the Committee removed the \$390,000 in in-kind contributions from the seven-day pre-general election C-4 report and included them on the final, amended 21-day pre-general election C-4 report, and reported them as received on October 1 and 4, 2024. Because these in-kind contributions were required to be reported by October 15, 2024 on the 21-day pre-general election C-4 report, they were reported 24 days late and three days after the general election.
6. C-4 Report, 10/15/24 – 10/28/24, filed 11/8/24 (C-4 Report #110 259 639): This report was the original seven-day pre-general election C-4 report that reported the in-kind contributions totaling \$390,000, initially disclosed on that report as received on October 28, 2024 as part of in-kind contributions totaling \$432,830.72. The \$390,000 in in-kind contributions were later removed from the seven-day pre-general election C-4 report and included on the final, amended 21-day pre-general election C-4 report, and reported as received on October 1 and 4, 2024. Because the \$390,000 was ultimately reported on the amended 21-day pre-general, reporting those in-kind contributions on the seven-day pre-general election C-4 report was ultimately superfluous. The original seven-day pre-general election C-4 report also included in-kind contributions totaling \$42,830.72, later amended to \$43,221.72, that were reported 10 days late and three days after the general election.

Inadequate Descriptions of In-Kind Contributions

7. C-4 Report, 3/29/34 – 7/31/24, filed 8/2/24 (Report #110 235 448): The initial C-4 report filed by the Committee consisted of in-kind contributions totaling \$17,415. Of this amount, \$8,315 was for AARP staff time, stating “AARP Staff Time,” listing the names of the employees but not describing the work performed by the employees; \$2,850 was described as print and online advertising in the May 2024 edition of Third Act Magazine; and \$6,250 was described as “KING 5 ‘New Day’ July 17, TVW general long term care rotators during months.” WAC 390-16-037 does not contain an exact prescription for the amount of detail needed when reporting the purpose of in-kind contributions. However, the regulation states, “Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, the report must describe in detail that agreement or understanding and the goods and/or services to be provided.” WAC 390-16-037 also provides an illustrative example. The Committee agreed to amend the report at the direction of Commission staff on February 3, 2025 (Report #110 269 951) to provide the number of hours worked along with more detailed descriptions of the work performed. At that time, the Committee also added \$5 to the value of staff time received.
8. C-4 Report, 8/1/24 – 8/31/24, filed 9/5/24 (Report #110 242 508): This C-4 included in-kind contributions totaling \$13,660. Of this amount, \$7,410 was for AARP staff time, listing the names of the AARP employees without describing the work performed; and \$6,250 was described as “New Day and TVW.” WAC 390-16-037 does not contain an exact prescription for the amount of detail needed when reporting the purpose of in-kind contributions. However, the regulation states, “Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, the report must describe in detail that agreement or understanding and the goods and/or services to be provided.”

WAC 390-16-037 also provides an illustrative example. The Committee agreed to amend the report at the direction of Commission staff on February 3, 2025 (Report #110 269 952) to provide more detailed descriptions of the work performed.

9. C-4 Report, 9/1/24 – 10/14/24, filed 10/7/24 (Report #110 249 913): This C-4 was the original 21-day pre-general election C-4 report that was due by October 15, 2024. It included in-kind contributions totaling \$30,718.57. Of this amount, \$11,115 was for AARP staff time, listing the names of the AARP employees without describing the work performed; \$2,827.57 was described as “GMMB Production;” \$2,850 was described as “3rd Act Magazine;” and \$13,926, was described as “New Day (King 5), TVW, KXLY-TV.” WAC 390-16-037 does not contain an exact prescription for the amount of detail needed when reporting the purpose of in-kind contributions. However, the regulation states, “Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, the report must describe in detail that agreement or understanding and the goods and/or services to be provided.” WAC 390-16-037 also provides an illustrative example.
10. On February 6, 2025, Cathleen MacCaul filed Report #110 270 515 to amend the previous amendment of the 21-day pre-general election C-4 report. In addition, with PDC staff permission, Cathleen MacCaul used the Attach a Note function when filing Report #110 270 515 to supplement previously reported in-kind contribution descriptions on original and amended C-4 reports covering activities in June, July, August, September, October, and November 2024.

Mitigating Factors

11. AARP No on I 2124 Sponsored by AARP Washington State was the first campaign in which Cathleen MacCaul held the position of treasurer for a major initiative campaign, and the first campaign in which she used the Commission’s reporting software.

12. Ms. MacCaul worked cooperatively with Commission staff to address any questions they had about the reports. She sent at least six emails to Commission staff over a nine-day period seeking and accepting assistance with compiling and filing the Committee's reports and amendments.
13. The Committee contends that its failure to timely report the receipt of in-kind contributions for advertising expenditures exceeding \$435,000 during the month before the election, until after the election, was unintentional. The Committee misunderstood the deadlines and instead had intended to file a report on November 10, 2024, consistent with the regular monthly cadence of earlier reporting.

Aggravating Factors

14. Statewide initiative 2124 was a significant campaign and the Committee failed to report over \$435,000 in in-kind contributions until after the election, which denied the public information concerning the Committee's financial support of this ballot measure.
15. All in-kind contributions were made by AARP Washington State, the organization that created the Committee opposing I 2124, meaning the information about the contributions should have been readily available to the Committee.

VIOLATIONS

Based on the Stipulation of Facts set forth above, AARP No on I 2124 Sponsored by AARP Washington State, stipulates to having violated:

RCW 42.17A.235 and 42.17A.240 by failing to timely report the receipt of in-kind contributions from AARP Washington State totaling \$443,561.72, reported between 10 and 111 days late, including \$2,750 reported 90 days after the November 5, 2024 general election, and \$390,000 and \$42,830.72 (later amended to \$43,221.72) reported three days after the general election.


RCW 42.17A.240 and WAC 390-16-037 because the Committee initially failed to describe in detail the goods and/or services provided via in-kind contributions.

PENALTY

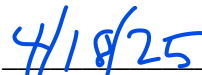
Based on the Stipulation of Facts, Violations, and Penalty set forth above, AARP No on I 2124 Sponsored by AARP Washington State, stipulated to paying the following penalty:

An aggregate civil penalty is imposed of \$5,000 for all the violations combined, with \$2,500 suspended on the following conditions:

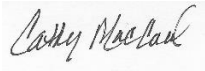
1. a. The non-suspended portion (\$2,500) of the \$5,000 total civil penalty for all violations is paid by the Committee within 30 days of the date of this Final Order.
 - i. If the Committee fails to meet the condition in 1(a), the suspended portion of the penalty shall immediately become due, and the matter may be sent to collection or brought to Superior Court as allowed by law without further action by the Commission.
- b. The Committee remains in full compliance with all PDC reporting requirements and is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Final Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.



Peter Frey Lavalley, Executive Director
Public Disclosure Commission



Date Signed



Cathleen MacCaul, Treasurer
AARP No on I 2124 Sponsored by AARP Washington State

____4/17/25_____
Date Signed