



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.pdcc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A

Matthew McCally,

Respondent.

PDC Case 158260

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

Pursuant to the Brief Enforcement Hearing (Brief Adjudicative Proceeding) notice sent to Matthew McCally on September 23, 2024, a Brief Adjudicative Proceeding was held on October 3, 2024, remotely from Olympia, WA by live audio and online transmission, to consider whether Matthew McCally violated RCW 42.17A.235 & RCW 42.17A.240 by failing to 1) timely and accurately file C-3 reports and C-4 reports disclosing contributions and expenditures undertaken by his campaign for election year 2024; and 2) allow public inspection of his campaign books-of-account.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Chapter 390-37 WAC. Commission Chair Allen Hayward was the Presiding Officer and joined by Commission Vice Chair J. Robert Leach. The Commission staff was represented by Tabatha Blacksmith, Compliance Officer. Matthew McCally (the "Respondent") did not attend the hearing virtually or by telephone but submitted written participation materials prior to the hearing.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a candidate for State Representative of Legislative District 37 in election year 2024.
2. As a candidate for election in 2024, the Respondent was required to file a 21-day pre-Primary C-4 report (covering 5/10/24 - 7/15/24) by July 16, 2024, a 7-day pre-Primary C-4 report (covering 7/16/24 - 7/29/24) by July 30, 2024, and a post-Primary C-4 report (covering 7/30/24 - 8/31/24) by September 10, 2024.
3. The Respondent did not file the required pre-election and post-election C-4 reports by the date of the enforcement hearing.

4. The Respondent failed to respond to a proper request for an inspection of his campaign books of account.
5. The Respondent has no prior violations of RCW 42.17A.235 or RCW 42.17A.240.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened, and all jurisdictional, substantive, and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.235 and RCW 42.17A.240 by failing to file the 7-day pre-Primary, 21-day pre-Primary, and post-Primary C-4 reports for election year 2024 and allow public inspection of his candidate books-of-account.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

1. **IT IS HEREBY ORDERED** that the Respondent is assessed a total civil penalty of \$600 in accordance with the penalty schedule set forth in WAC 390-37-143.
2. **It is further ordered that \$500 of the \$600 penalty is suspended if the following conditions are timely met:**
 - a. **The Respondent pays the non-suspended portion of the penalty (\$100) within 15 days of the date of this Order and before the November 5, 2024 General Election. If the Respondent fails to pay the \$100 non-suspended penalty before November 5, 2024, PDC staff is directed to refer the matter to collections.**
 - b. **The Respondent, who indicated in writing that he has terminated his campaign, shall not:**
 - 1) **campaign for elected office in 2024;**
 - 2) **solicit or accept monetary or in-kind contributions in the future;**
 - 3) **make campaign expenditures, including from personal funds, in the future (except the penalty stated herein); and**
 - 4) **accept the office if elected.**
 - c. **The Respondent understands that, should he engage in one or more of the above activities, all required reports including a C-1 report, an F-1 report, and pre- and**

post-Primary C-4 reports shall immediately become due without further action by the Commission.

- d. If the Respondent fails to pay the non-suspended \$100 penalty within 15 days and before the November 5, 2024 General Election, the suspended portion of the penalty (\$500) shall also immediately become due without further action by the Commission, and PDC staff is directed to refer the full penalty amount (\$600) to collections.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 8th day of October, 2024.

Public Disclosure Commission

Electronically signed Peter Frey Lavallee

Peter Frey Lavallee
Executive Director

I, Tabatha Blacksmith, certify that I mailed a copy of this order to the Respondent at their respective address postage pre-paid, and by email on the date stated herein.

Electronically Signed Tabatha Blacksmith
Signed

Oct. 8, 2024
Date

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request orally or in writing, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1). Staff may ask for written confirmation of oral requests for review.
- **REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE POSTMARK DATE OF THIS INITIAL ORDER.** Written requests for review should be delivered electronically to the Washington State Public Disclosure Commission by email at pdcc@pdcc.wa.gov

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the final order. *See* WAC 390-37-142(5).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.552.