

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

**STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

JAY MANNING,

Defendant.

NO. 17-2-00373-34

COMPLAINT FOR CIVIL  
PENALTIES AND FOR INJUNCTIVE  
RELIEF FOR VIOLATIONS OF  
RCW 42.17A

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**I. NATURE OF ACTION**

The State of Washington (State) brings this action to enforce the state's campaign finance disclosure law, RCW 42.17A. The State alleges that Defendant JAY MANNING, a trustee of Eastern Washington University, violated provisions of RCW 42.17A by failing to timely disclose mandatory information about his personal financial affairs, in filings required by law to be made with the State Public Disclosure Commission. The State seeks relief under RCW 42.17A.750 and .765, including penalties, costs and fees, and injunctive relief.

**II. PARTIES**

2.1 Plaintiff is the State of Washington. Acting through the Washington State Public Disclosure Commission, Attorney General, or a local prosecuting attorney, the State enforces the state campaign finance disclosure laws contained in RCW 42.17A.

2.2 Defendant JAY MANNING (Manning) is a resident of Thurston County, Washington. Manning was duly appointed as a trustee of Eastern Washington University, a

1 state institution of higher education, effective November 20, 2015. Following his appointment,  
2 Manning failed to timely disclose information about his personal financial affairs as he was  
3 required to do by law in filings with the state Public Disclosure Commission.

### 4 III. JURISDICTION AND VENUE

5 3.1 This Court has subject matter jurisdiction over the present case, in accordance  
6 with RCW 42.17A. The Attorney General has authority to bring this action pursuant to  
7 RCW 42.17A.765.

8 3.2 This Court has personal jurisdiction over Manning, a resident of Thurston  
9 County in the State of Washington. Additionally, the acts and omissions complained of here  
10 took place in Thurston County. By his conduct alleged below, Manning caused untimely  
11 personal financial affairs disclosure statements to be filed with the Public Disclosure  
12 Commission in Thurston County, Washington.

13 3.3 Venue is proper in this Court pursuant to RCW 4.12.020(1).

### 14 IV. FACTUAL ALLEGATIONS

15 4.1 RCW 42.17A declares as a matter of public policy “[t]hat the people shall be  
16 assured that the private financial dealings of their public officials, and of candidates for those  
17 offices, present no conflict of interest between the public trust and private interest.” RCW  
18 42.17A.001(3). Washington also regards it a matter of public policy “[t]hat the public’s right to  
19 know of the ... financial affairs of elected officials and candidates far outweighs any right that  
20 these matters remain secret and private.” RCW 42.17A.001(10).

21 4.2 Under Washington’s campaign finance law, each person appointed as an  
22 executive state officer “shall file with the [Public Disclosure C]ommission a statement of  
23 financial affairs for the preceding twelve months” within two weeks of his or her appointment.  
24 RCW 42.17A.700(3). After January 1st and before April 15th of each year, every executive  
25 state officer “shall file” such a statement of financial affairs for the preceding calendar year.  
26

1 An executive state officer, under the campaign finance law, includes trustees of Eastern  
2 Washington University. RCW 42.17A.700(8), RCW 42.17A.705(4).

3 4.3 The Public Disclosure Commission has an official form known as an “F-1”  
4 (Personal Financial Affairs Statement) which is required to be completed by state executive  
5 officers. WAC 390-24-010; *see also* WAC 390-24-020 (short form F-1A for “all persons who  
6 have previously filed the Form F-1”).

7 4.4 Defendant Manning was appointed a trustee of Eastern Washington University  
8 effective November 20, 2015. On information and belief, he has held the position since that  
9 time. As such, he became an executive state officer that same day for purposes of the campaign  
10 finance law’s personal financial affairs reporting requirements.

11 4.5 Defendant Manning should have filed the F-1 form for his appointment no later  
12 than December 4, 2015, two weeks after his appointment. He did not do so.

13 4.6 Defendant Manning continued to hold his position as trustee between January  
14 and April of 2016. As such, he was required by law to file another form F-1 personal financial  
15 statement with the Public Disclosure Commission disclosing personal financial information for  
16 calendar year 2015. Defendant Manning’s F-1 form for the 12 months preceding his  
17 appointment as a trustee of Eastern Washington University should have been filed no later than  
18 April 15, 2016. He did not file it by that date.

19 4.7 On July 6, 2016, the Public Disclosure Commission staff sent Defendant  
20 Manning a warning letter about his F-1 forms being late.

21 4.8 Defendant Manning filed both the original F-1 form due on December 4, 2015,  
22 and his short form F-1A personal financial statement for the full calendar year 2015 due no  
23 later than April 15, 2016 with the Commission on November 29, 2016.

24 4.9 These forms were filed 361 and 228 days late, respectively. Taken together,  
25 Defendant Manning’s two untimely F-1 form personal financial statements were filed a total of  
26 589 days late.

1 4.10 In response to a citizen action notice filed with the AGO, Manning admitted that  
2 he failed to timely file his forms.

3 **V. CLAIMS**

4 The State of Washington re-alleges and incorporates by reference all the factual  
5 allegations contained in the preceding paragraphs, and based on those allegations, makes the  
6 following claims:

7 5.1 First Claim: The State of Washington reasserts the factual allegations made  
8 above and further asserts that Defendant, in violation of RCW 42.17A.700(3) and WAC 390-  
9 24-010, failed to timely file disclosures of his personal financial affairs to the Public  
10 Disclosure Commission.

11 5.2 Second Claim: The State of Washington reasserts the factual allegations made  
12 above and further asserts that Defendant, in violation of RCW 42.17A.700(8) and WAC 390-  
13 24-020, failed to timely file disclosures of his personal financial affairs to the Public  
14 Disclosure Commission for the calendar year 2015.

15 **VI. REQUEST FOR RELIEF**

16 WHEREFORE, the State of Washington requests the following relief as provided by  
17 law:

18 6.1 For such remedies as the court may deem appropriate under RCW 42.17A.750,  
19 including but not limited to imposition of a civil penalty, all to be determined at trial;

20 6.2 For all costs of investigation and trial, including reasonable attorneys' fees, as  
21 authorized by RCW 42.17A.765(5);

22 6.3 For temporary and permanent injunctive relief, as authorized by  
23  
24  
25  
26 //

1 RCW 42.17A.750(1)(h); and

2 6.4 For such other legal and equitable relief as this Court deems appropriate.

3 DATED this 3rd day of February, 2017.

4 ROBERT W. FERGUSON  
5 ATTORNEY GENERAL

6 

7 WALTER M. SMITH, WSBA No. 46695  
8 Assistant Attorney General  
9 Attorneys for Plaintiff State of Washington