

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

STATE OF WASHINGTON, *ex*
rel. WASHINGTON STATE
PUBLIC DISCLOSURE
COMMISSION,

Plaintiff,

v.

BIAW MEMBER SERVICES
CORPORATION,

Defendant.

NO. 08-2-02193-6

STIPULATED JUDGMENT

JUDGMENT SUMMARY (RCW 4.64.030)

- A. JUDGMENT CREDITOR: STATE OF WASHINGTON
- B. JUDGMENT DEBTOR: BIAW MEMBER SERVICES CORPORATION
- C. PRINCIPAL JUDGMENT AMOUNT: \$584,000 civil penalty assessed with \$342,000 suspended based on terms identified below
- D. INTEREST: No prejudgment interest is owed. Principal judgment amount(s) due and owing shall not bear interest unless the principal judgment is unpaid by the due date specified herein. Payments not made by the due date shall bear interest at the rate of 12% per year from the due date until paid
- E. COSTS AND FEES: \$50,000 as attorney fees and costs

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3 F. ATTORNEYS FOR
4 JUDGMENT CREDITOR

ROBERT M. MCKENNA
Attorney General
LINDA A. DALTON, WSBA No. 15467
Senior Assistant Attorney General
H. BRUCE MARVIN, WSBA No. 25152
Assistant Attorney General
VICTOR M. MINJARES, WSBA No. 33946
Assistant Attorney General

7 G. ATTORNEY FOR
8 JUDGMENT DEBTOR
9 BIAW MEMBER
10 SERVICES CORPORATION

MARTIN D. MEYER, WSBA No. 18338
CLETA MITCHELL, *Pro Hac Vice*
Attorneys at Law

11 STIPULATION

12 The parties to this stipulation, the Plaintiff, STATE OF WASHINGTON,
13 *ex rel.* WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION
14 (“STATE”) and the Defendant, BIAW MEMBER SERVICES CORPORATION,
15 being desirous of resolving all claims arising out of this complaint, hereby enter
16 into the following stipulation:

17 1. The Defendant will pay an assessed civil penalty in the amount of \$584,000
18 for its violations of RCW 42.17.

19 2. \$342,000 of the assessed civil penalty will be suspended based on the
20 following terms and conditions:

21 a. The suspension will be in effect until December 31, 2016. During the
22 period of suspension, the Defendant agrees that it will not violate any
23 provision of RCW 42.17. In the event the Defendant is found to have
24 committed any violation of RCW 42.17 during the suspension period,
25 the suspended penalty of \$342,000 will immediately become due and
26 payable without further intervention of the Court.

1 b. The Defendant will file a political committee registration form and all
2 campaign finance disclosure reports with the Public Disclosure
3 Commission to account for the receipt of and expenditures made from
4 the \$584,000 in campaign contributions it received in 2007 no later than
5 30 days from the date of the entry of the Judgment.

6 3. The Defendant shall pay to the State the unsuspended portion of the civil
7 penalty (\$242,000) within 30 days of the date of entry of the Judgment.

8 4. The Defendant shall pay to the State the amount of \$50,000 as attorney fees
9 and costs in this action, this amount to be paid within 30 days of the date of
10 entry of the Judgment.

11 DATED this 24th day of September, 2010.

12 ROBERT M. MCKENNA
13 Attorney General

14 
15 LINDA A. DALTON, WSBA No. 15467
16 Senior Assistant Attorney General

17 H. BRUCE MARVIN, WSBA No. 25152
18 Assistant Attorney General

19 VICTOR M. MINJARES, WSBA No. 33946
20 Assistant Attorney General

21 Attorneys for Plaintiff

22 
23 MARTIN D. MEYER, WSBA No. 18338

24 CLETA MITCHELL, *pro hac vice*
25 Attorneys for BIAW-MSA
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JUDGMENT

THIS MATTER came on regularly before the undersigned judge of the
above-entitled Court. The Plaintiff, STATE OF WASHINGTON, *ex rel.*,

1 Washington State Public Disclosure Commission, appearing through its attorneys
2 of record, ROBERT M. McKENNA, Attorney General, and LINDA A.
3 DALTON, Sr. Assistant Attorney General, H. BRUCE MARVIN, Assistant
4 Attorney General and VICTOR M. MINJARES, Assistant Attorney General and
5 the Defendant, BIAW MEMBER SERVICES CORPORATION, appearing
6 through its attorneys, CLETA MITCHELL and MARTIN D. MEYER, apprised
7 the Court of their agreement to the entry of this judgment for the purpose of
8 settling and compromising this action brought under RCW 42.17. The court,
9 having reviewed the records and files herein, and having found the settlement to
10 be a just and proper resolution of this matter, and being otherwise fully advised in
11 the premises, now, therefore, it is hereby

12 ORDERED that the Defendant, BIAW MEMBER SERVICES
13 CORPORATION, hereby is assessed a civil penalty, under the provisions of
14 RCW 42.17, in the amount of \$584,000 payable to the State of Washington. It is
15 further

16 ORDERED that the amount of \$342,000 of the assessed penalty is hereby
17 suspended upon the Defendant's compliance with the following court-ordered
18 conditions:

- 19 a. The suspension shall be in effect until December 31, 2016, during
20 which time the Defendant shall not violate any provision of RCW
21 42.17. In the event the Defendant is found to have committed any
22 violation of RCW 42.17 during the suspended period, the suspended
23 penalty of \$342,000 is immediately due and payable without any
24 further intervention of the Court.
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1 b. The Defendant shall file a political committee registration form and all
2 campaign finance disclosure reports to the Public Disclosure
3 Commission to account for its receipt of and expenditures made from
4 the \$584,000 in campaign contributions it received in 2007 no later than
5 30 days from the date of the entry of this Judgment.

6 It is further

7 ORDERED that the Defendant shall pay to the State of Washington the
8 amount of \$50,000 as attorney fees and costs. It is further

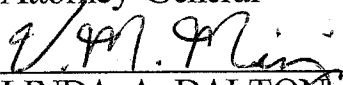
9 ORDERED that the Defendant shall pay to the State of Washington the
10 unsuspended portion of the assessed civil penalty (\$242,000) and assessed
11 attorney fees and costs within 30 days of the entry of this Judgment.

12 DONE IN OPEN COURT this 24th day of September, 2010.

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JUDGE/COMMISSIONER

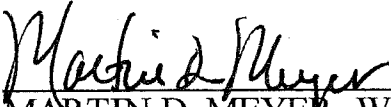
15 Presented by:

16 ROBERT M. MCKENNA
17 Attorney General

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LINDA A. DALTON, WSBA No. 15467
19 Senior Assistant Attorney General

20 H. BRUCE MARVIN, WSBA No. 25152
21 VICTOR M. MINJARES, WSBA No. 33946
Assistant Attorneys General
Attorneys for Plaintiff

22 Approved as to form:

23 
24 MARTIN D. MEYER, WSBA No. 18338
25 CLETA MITCHELL, *pro hac vice*
Attorneys for BIAW-MSA
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