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- EXPEDITE
- No Hearing Set
- Hearing is Set
- Date:
- Time:

The Honorable Christine A. Pomeroy

**STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON, *ex*  
*rel.* WASHINGTON STATE  
 PUBLIC DISCLOSURE  
 COMMISSION,  
  
 Plaintiff,  
  
 v.  
  
 LISA MACLEAN, HENRY  
 UNDERHILL, MOXIE MEDIA,  
 CONSERVATIVE PAC and CUT  
 TAXES PAC,  
  
 Defendants.

NO. 10-2-02428-7  
  
STIPULATED JUDGMENT

**JUDGMENT SUMMARY (RCW 4.64.030)**

- A. JUDGMENT CREDITOR: STATE OF WASHINGTON
- B. JUDGMENT DEBTORS: LISA MACLEAN, HENRY UNDERHILL, MOXIE MEDIA, CONSERVATIVE PAC and CUT TAXES PAC
- C. PRINCIPAL JUDGMENT AMOUNT: \$250,000 civil penalty assessed with \$140,000 suspended until December 31, 2015 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

1 principal judgment is unpaid by the due  
2 dates specified herein. Payments not made  
3 by the due date shall bear interest at the  
4 rate of 12% per year from the due date  
5 until paid.

- 6 E. COSTS AND FEES: \$40,000 as attorney fees and costs
- 7 F. ATTORNEYS FOR JUDGMENT CREDITOR  
8 ROBERT M. MCKENNA  
9 Attorney General  
10 LINDA A. DALTON, WSBA No. 15467  
11 Senior Assistant Attorney General  
12 GORDON P. KARG, WSBA No. 37178  
13 Assistant Attorney General  
14 TODD R. BOWERS, WSBA No. 25274  
15 Senior Counsel
- 16 G. ATTORNEYS FOR JUDGMENT DEBTORS  
17 WILLIAM C. RAVA, WSBA No. 29948  
18 WILLIAM B. STAFFORD, WSBA No.  
19 39849

### 20 STIPULATION

21 The parties to this stipulation, Plaintiff, STATE OF WASHINGTON, *ex*  
22 *rel.* WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION  
23 (“STATE”) and Defendants, LISA MACLEAN, HENRY UNDERHILL,  
24 MOXIE MEDIA, CONSERVATIVE PAC and CUT TAXES PAC, being  
25 desirous of resolving all claims arising out of this complaint, hereby enter into  
26 the following stipulation:

1. Defendants, jointly and severally, agree to pay an assessed civil penalty in the amount of \$250,000, and attorneys fees and costs in the amount of \$40,000, for violations of RCW 42.17.
2. \$140,000 of the assessed civil penalty will be suspended until December 31, 2015 contingent on Defendants’ compliance with the provisions of RCW 42.17/RCW 42.17A. Defendants agree that they will not violate any

1 provision of RCW 42.17/RCW 42.17A. Through the end of the suspension  
2 period, if any Defendant is found to have violated RCW 42.17/RCW 42.17A,  
3 the suspended portion of the penalty of \$140,000 will become immediately  
4 due and payable without further intervention of the Court.

5 3. Defendants agree to pay the State the unsuspended portion of the civil penalty  
6 (\$110,000) in accordance with the following payment schedule:

- 7 a. \$35,000 to be paid no later than December 31, 2012;
- 8 b. \$35,000 to be paid no later than December 31, 2013; and
- 9 c. \$40,000 to be paid no later than December 31, 2014.

10 4. Defendants agree to pay the State the amount of \$40,000 as attorney fees and  
11 costs no later than December 31, 2011.

12 5. Defendants agree that Lisa MacLean, Henry Underhill, all current principals  
13 and employees of Defendant Moxie Media, Conservative PAC and Cut Taxes  
14 PAC, and the current principals and employees of any political committee  
15 over which any Defendant exercises authority will schedule and receive  
16 campaign finance disclosure reporting training from the Public Disclosure  
17 Commission staff no later than February 28, 2012. Defendants further agree  
18 that, until December 31, 2015, any future (1) principal, (2) officer, or (3)  
19 employee with financial, supervisory or project management responsibilities  
20 for Moxie Media involving Washington State or Moxie Media clients engaged  
21 in election or campaign activities in or for Washington State, or any  
22 Washington State political committee over which any Defendant exercises  
23 authority, will be scheduled and receive training from the Public Disclosure  
24 Commission staff no later than 90 days from the commencement of their  
25 starting work on the financial, supervisory or project management  
26

1 responsibilities for Moxie Media involving Washington State or Moxie Media  
2 clients engaged in election or campaign activities in or for Washington State.

3 DATED this 16 day of December, 2011.

4 ROBERT M. MCKENNA  
5 Attorney General

6 

7 LINDA A. DALTON, WSBA No. 15467

8 Senior Assistant Attorney General

9 GORDON P. KARG, WSBA No. 37178

10 Assistant Attorney General

11 TODD R. BOWERS, WSBA No. 25274

12 Senior Counsel

13 Attorneys for Plaintiff

14 

15 WILLIAM C. RAVA, WSBA No. 29948

16 WILLIAM B. STAFFORD, WSBA No. 39849

17 Attorneys for Defendants

### 18 JUDGMENT

19 THIS MATTER came on regularly before the undersigned judge of the  
20 above-entitled Court. Plaintiff, STATE OF WASHINGTON, *ex rel.*,  
21 WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, appearing  
22 through its attorneys of record, ROBERT M. MCKENNA, Attorney General,  
23 LINDA A. DALTON, Senior Assistant Attorney General, GORDON P. KARG,  
24 Assistant Attorney General, and TODD R. BOWERS, Senior Counsel, and  
25 Defendants, LISA MACLEAN, HENRY UNDERHILL, MOXIE MEDIA,  
26 CONSERVATIVE PAC and CUT TAXES PAC, appearing through their  
attorneys of record, WILLIAM C. RAVA and WILLIAM B. STAFFORD, have

1 apprised the Court of their agreement to the entry of this judgment for the  
2 purpose of settling and compromising this action brought under RCW 42.17.  
3 The Court, having reviewed the records and files herein, and having found the  
4 settlement to be a just and proper resolution of this matter, and being otherwise  
5 fully advised in the premises, now, therefore, it is hereby

6 ORDERED that Defendants, jointly and severally, are hereby assessed a  
7 civil penalty in the amount of \$250,000, and \$40,000 in attorneys fees and costs,  
8 under the provisions of RCW 42.17, payable to the State of Washington. It is  
9 further

10 ORDERED that the amount of \$140,000 of the assessed penalty is hereby  
11 suspended until December 31, 2015 contingent upon Defendants' compliance  
12 with the provisions of RCW 42.17/RCW 42.17A. Until the end of the suspension  
13 period, if any Defendant is found to have violated RCW 42.17/RCW 42.17A, the  
14 suspended portion of the penalty of \$140,000 shall immediately become due and  
15 payable without further intervention of the Court. It is further

16 ORDERED that Defendants shall pay to the State of Washington the  
17 unsuspended portion of the assessed civil penalty (\$110,000) in the following  
18 manner: \$35,000 no later than December 31, 2012; \$35,000 no later than  
19 December 31, 2013; \$40,000 no later than December 31, 2014. It is further

20 ORDERED that Defendants shall pay to the State of Washington the  
21 amount of \$40,000 as attorney fees and costs no later than December 31, 2011. It  
22 is further

23 ORDERED that Lisa MacLean, Henry Underhill, all current principals and  
24 employees of Defendant Moxie Media, Conservative PAC, and Cut Taxes PAC,  
25 and the current principals and employees of any political committee over which  
26

1 any Defendant exercises authority will schedule and receive campaign finance  
2 disclosure reporting training from the Public Disclosure Commission staff no  
3 later than February 28, 2012. It is further

4 ORDERED that, through December 31, 2015, any future (1) principal,  
5 (2) officer, or (3) employee with financial, supervisory or project management  
6 responsibilities for Moxie Media involving Washington State or Moxie Media  
7 clients engaged in election or campaign activities in or for Washington State, or  
8 any Washington State, or any Washington State political committee over which  
9 any Defendant exercises authority, will be scheduled and receive training from  
10 the Public Disclosure Commission staff no later than 90 days from the  
11 commencement of their starting work on the financial, supervisory or project  
12 management responsibilities for Moxie Media involving Washington State or  
13 Moxie Media clients engaged in election or campaign activities in or for  
14 Washington State.

15 DONE IN OPEN COURT this 16 day of December, 2011.

16 CHRISTINE A. POMEROY

17 \_\_\_\_\_  
18 JUDGE/COMMISSIONER

19 Presented by:

20 ROBERT M. MCKENNA  
21 Attorney General

22 

23 LINDA A. DALTON, WSBA No. 15467

24 Senior Assistant Attorney General

25 GORDON P. KARG, WSBA No. 37178

26 Assistant Attorney General

TODD BOWERS, WSBA No. 33946

Senior Counsel

Attorneys for Plaintiff

1 Approved as to form:

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WILLIAM RAVA, WSBA No. 29948  
WILLIAM B. STAFFORD, WSBA No. 39849  
Attorneys for Defendants