



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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

TO: Commission Members

FROM: Kurt Young, Compliance Officer

DATE: September 16, 2014

RE: Request for Review/Reconsideration from **Tracey Rascon: PDC Case No. 14-091**

Agenda Item

Tracey Rascon is seeking a review¹ by the Commission of an initial order entered in a Brief Enforcement Hearing in PDC Case No. 14-091. The review/reconsideration is scheduled for the September 25, 2014, Commission meeting.

Background

- Ms. Rascon is an incumbent School Director for the Cape Flattery School District No. 4 since being appointed to that office in 2006.
- As an incumbent School Director, Ms. Rascon was required to file an F-1 report for calendar year 2013 no later than April 15, 2014.
- A Brief Enforcement Hearing was held on July 8, 2014, at which the Presiding Officer found Ms. Rascon in violation of RCW 42.17A.700 for failing to file an F-1 report for calendar year 2013.
- Ms. Rascon has one prior PDC violation for failing to file an F-1 report for calendar year 2006 in PDC Case No. 07-152.
- Ms. Rascon was assessed a civil penalty of \$300 in accordance with the penalty schedule set forth in WAC 390-37-160, for a filer with one prior violation that failed to file the missing F-1 report by the date of the hearing. The \$300 penalty is payable within 30 days of the date of the order.
- The initial Order was entered July 24, 2014.
- Ms. Rascon filed the missing F-1 report on August 8, 2014.

¹ Based on WAC 390-37-144, since Ms. Rascon's request could not be heard within 20 business days, the initial order becomes a final order, and her request is automatically treated as a request for reconsideration of a final order (rather than a review of an initial order).

Request for Review/Reconsideration

Between August 6 and August 8, 2014, Ms. Rascon exchanged emails with PDC staff concerning the Brief Enforcement hearing, the Order and the \$300 penalty assessed, and her missing F-1 report. Ms. Rascon attached a letter stating she would like to request a reconsideration of the \$300 penalty assessed and that:

- She filed the F-1 report late and apologized for the late filing.
- In February of 2014, she took in a two and one half year old foster child and "...since then I have had difficulties keeping up with everything including my mail."
- She does her banking on-line and her mail "...often goes ignored unfortunately."
- She has been busy with her teenage child, ailing mother, and also dealing with the foster child's mother.

Finally, Ms. Rascon stated in her August 8th email that on July 9, 2014, she attempted to fax her missing F-1 report for 2013, "...which was apparently 1 day after a hearing - I didn't know there was a hearing on the 8th as I was not on top of all my personal affairs at the time. I've also attached the one from 2013."

Attachments:

- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 14-091)
- August 6, 2014, letter from Tracey Rascon.

August 4, 2014

Public Disclosure Commission

P. O. Box 40908

711 Capital Way room 206

Olympia, WA 98504-0908

I request a reconsideration of your order regarding PDC Case No. 14-091. I did file an F-1 report but I filed it late and I am very sorry.

I took in a foster child in February this years since then I have had difficulties keeping up with everything including my mail. I do all on-line banking and so my mail often goes ignored unfortunately. It's all I can do to keep up with my son in college, my teenager, my ailing mother and now a 2.5 year old foster child and her addict mother who I have to deal with.

Also, my email rascons@centurylink.net has been hacked and I haven't used it in quite some time.

I am very sorry and vow to ensure that I will not be late again. Please accept my deepest apologies and since I turned in the F-1 I respectfully ask you dismiss the case.

Thank you



360 640 9363

Tracey.Rascon@ih5.gov

Kurt Young

From: Kurt Young
Sent: Thursday, August 07, 2014 5:22 PM
To: 'tracey.rascon@ihs.gov'
Cc: Jon Ammons
Subject: Tracey Rascon: Request for review, PDC Case No. 14-091

Ms. Rascon,

Thanks for the email. Your email with the attached letter was forwarded to me.

I reviewed your PDC filing history and could not find a Personal Financial Affairs Statement (F-1 report) filed by you this year for calendar year 2013. The last F-1 report filed by you was received on March 22, 2012 for calendar year 2011. In your letter you referenced filing your F-1 report late, do you recall when you filed it and did you keep a copy? If yes, please email an attached copy of the F-1 report and mail the copy containing an original signature.

In addition, please review your records and see if you have a copy of the F-1 report for calendar year 2012, and submit that report at the same time. Once the F-1 report is received, I will process your request for a review of PDC Case No. 14-091. FYI – the Commission Members are made up of citizens appointed by the Governor and only meet once a month, so your review will likely be heard at the September 2014 Commission meeting.

Let me know if you have any questions.

Sincerely,

Kurt Young
PDC Compliance Officer

From: Rascon, Tracey (IHS/POR) [<mailto:tracey.rascon@ihs.gov>]
Sent: Wednesday, August 06, 2014 8:59 AM
To: PDC
Subject: appeal case 14-091

Please see attached. Thank you

Tracey Rascon

There is no argument that we humans, who at our best can create opportunities and at our worst can create havoc, *need* time to rest. Mayo Angelou

Confidentiality Notice: Warning: This electronic mail transmission may contain privileged and confidential information intended for use by the recipient only. If you receive this electronic mail in error, please contact the sender immediately and destroy all copies.



**STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

July 24, 2014

TRACEY RASCON
PO BOX 506
NEAH BAY WA 98357-0506

Subject: PDC Case 14-091

Dear TRACEY RASCON:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

Please review the attached Order. Penalties and other documents are generally due within 30 days. All penalty checks are payable to the Washington State Treasurer and mailed to the PDC office in Olympia.

If you have questions, please contact me at (360) 586-4555; toll free at (877) 601-2828 or by email at jacob.berkey@pdc.wa.gov.

Sincerely,

Jacob T Berkey
Compliance Officer

Enclosure



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Tracey Rascon
PO Box 506
Neah Bay WA98357-0506

In Re Compliance with RCW 42.17A

Tracey Rascon

Respondent.

PDC Case No. 14-091

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

A brief enforcement hearing (brief adjudicative proceeding) was held July 8, 2014, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) due April 15, 2014, disclosing financial information for calendar year 2013.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Tracey Rascon on June 10, 2014. Commission Member Amit Ranade was the Presiding Officer. The Commission staff was represented by Jacob Berkey, Compliance Coordinator. The Respondent did not participate at the hearing, and did not submit any written materials.

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

FINDINGS OF FACT

1. The Respondent was an incumbent School Director for Cape Flattery School District 4 in 2013.
2. As a School Director, the Respondent was required to file an F-1 report no later than April 15, 2014.
3. The Respondent did not file the missing F-1 report by the date of the hearing.
4. The Respondent has one prior violation.

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.700 by failing to file the F-1 report by April 15, 2014.

ORDER

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

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$300 in accordance with the penalty schedule set forth in WAC 390-37-160. The penalty is due within 30 days of the date of this Order.

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

Entered this 24 day of July, 2014.

Public Disclosure Commission

Andrea M. Doyle
Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Berkeley, certify that I mailed a copy of this order to the Respondent(s) at his/her/its respective address, postage pre-paid, on the date stated herein.

Jacob Berkeley
Signed

7/24/14
Date