



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 17, 2013
RE: Request for Review from **Vernon Garrison: PDC Case No. 13-122**

Agenda Item

Vernon Garrison is seeking a review by the Commission of an initial order entered in a Brief Enforcement Hearing in PDC Case No. 13-122. The review is scheduled for the September 26, 2013, Commission meeting.

Background

Mr. Garrison is a candidate seeking the office of City Councilmember in the Port Townsend in 2013. Mr. Garrison was required to file a Candidate Registration (C-1 report) and a Personal Financial Affairs Statement (F-1 report), both due within two weeks of declaring his candidacy in 2013, or no later than May 31, 2013.

A Brief Enforcement Hearing was held on August 1, 2013, at which the Presiding Officer found Mr. Garrison in violation of RCW 42.17A.205 for failing to file a C-1 report, and RCW 42.17A.700 for failing to file an F-1 report, both due within two weeks of declaring his candidacy in 2013. Mr. Garrison was assessed a civil penalty of \$300 in accordance with the penalty schedule set forth in WAC 390-37-165, which is payable within 30 days of the date of the order. The initial Order was entered August 15, 2013.

Request for Review

On September 12, 2013, Mr. Garrison left a voice message for PDC staff stating that he thought he had previously electronically filed the missing C-1 and F-1 reports when he mailed in the signature cards, and requested a review of the penalty assessed against him. He stated that he had previously contacted PDC staff on several occasions by email, and thought the matter had been taken care.

On September 17, 2013, Mr. Garrison sent an email to PDC staff stating that he had been out of town in North Dakota and Eastern Montana doing consulting work from a mobile office/home over the course of the last five months. He stated that he has been at home in Port Townsend a total of 6 weeks in the last four and one half months, and he did not have a mailing address in either North Dakota or Montana.

Vernon Garrison
Request for Review
PDC Case No. 13-122
Page 2

Mr. Garrison stated when he was in Port Townsend he was very busy and was remiss in going through his mail in a more timely manner. He stated that he believed he had completed the C-1 and F-1 reports electronically, and mailed in the signature authorization cards around June 25, 2013, but he discovered the forms had not been received by PDC staff when he opened his mail.

Mr. Garrison came in third in a three – way primary election race held on August 6, 2013, and will not be appearing on the 2013 general election ballot. Mr. Garrison attached his missing C-1 and F-1 reports to the September 17, 2013 email.

Attachments:

- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 13-122)
- September 16-17, 2013, email from Vernon Garrison.



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

August 15, 2013

Vernon Garrison
1430 Quincy Street
Port Townsend WA 98368

Subject: PDC Case No. 13-122


Dear Mr. Garrison:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. The Presiding Officer assessed a civil penalty of \$300 in accordance with the penalty schedule set forth in WAC 390-37-165.

Payment is due within 30 days and your check or money order should be payable to the WA State Treasurer. Please mail the penalty payment to the Public Disclosure Commission along with the missing C-1 and F-1 reports. Thank you for your attention to this matter.

If you have questions, please contact me at (360) 664-8854; toll free at (877) 601-2828 or by email at kurt.young@pdc.wa.gov.

Sincerely,


Kurt Young
Compliance Officer

Enclosure



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

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Vernon Garrison
1430 Quincy Street
Port Townsend WA 98368

In Re Compliance with RCW 42.17A

Vernon Garrison

Respondent.

PDC Case No. 13-122

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

A brief enforcement hearing (brief adjudicative proceeding) was held August 1, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated: (1) RCW 42.17A.205 by failing to file the Candidate Registration (C-1 report), which was due to be filed within two weeks of the Respondent declaring his candidacy; and (2) RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) covering the 12 months preceding the date the Respondent became a candidate for election in 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 Vernon Garrison on July 18, 2013. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate at the hearing or submit any written materials.

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

FINDINGS OF FACT

1. The Respondent is a candidate for City Councilmember in the City of Port Townsend in 2013.
2. As a candidate, the Respondent was required to file an F-1 report and C-1 report within two weeks of the date the Respondent filed a declaration of candidacy, or no later than May 31, 2013.
3. The Respondent had not filed the missing C-1 and F-1 reports by the date of the hearing.
4. The Respondent has no prior violations.



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.205 by failing to file the C-1 report, and RCW 42.17A.700 by failing to file the F-1 report, due no later than May 31, 2013.

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 390-37-165, that is payable within 30 days of the date of this order.

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

Entered this 15 day of August, 2013.

Public Disclosure Commission

Andrea M. Doyle
Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Janah Berkey, 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.

Signed

Janah Berkey

Date

8/15/13

Kurt Young

From: Vern Garrison [vern@cablespeed.com]
Sent: Tuesday, September 17, 2013 8:57 AM
To: Kurt Young
Cc: Jennifer Hansen
Subject: FW: PDC F-1 and C-1 forms that were completed on line AND Sent in mail to pdc, attention Jennifer Hansen on June 25
Attachments: PDC C-1 and F-1 Vernon Garrison.pdf

Mr. Young,

Please let me address other factors to support my request for reconsideration:

I was not a first time candidate in that I ran for Council in 1999. This was quite a few years ago and I did not recall all the paperwork involved in PDC filings. I believe that back in 99 the docs were filed by hand at the County Auditors?

In recent months, I have been out of town in North Dakota and Eastern Montana doing Consulting work from a Mobil Office /Home. I have been home in PT a total of just 6 weeks in the last 4.5 Months. I did not have a Mailing address in ND / MT as I was moving around. Further, I was very busy and remiss in going thru stacks of mail whenever I was in PT.

Bottom line is that I was attempting to Multi-task with too many tasks.

Respectfully submitted,

Vernon Garrison

From: Vern Garrison [mailto:vern@cablespeed.com]
Sent: Monday, September 16, 2013 9:32 PM
To: kurt.young@pdc.wa.gov
Cc: vern@cablespeed.com; jennifer.hansen@pdc.wa.gov
Subject: PDC F-1 and C-1 forms that were completed on line AND Sent in mail to pdc, attention Jennifer Hansen on June 25

Mr Young

Find here attached forms completed and filed on line as well as sent to PDC c/o Jennifer Hansen on June 25, 2013.

please advise if i need to provide more info for Appeal/Reconsideration.

Thank You,

Vernon Garrison
360-301-2009

Kurt Young

From: Vern Garrison [vern@cablespeed.com]
Sent: Monday, September 16, 2013 12:28 PM
To: Kurt Young
Cc: Jennifer Hansen; vern@cablespeed.com
Subject: FW: Pending PDC Form C-1

Mr Young,

I have left you a few voice messages on your ph, 360-664-8854 reference the Case # 13-122 and the Fine that was imposed on me for not filing C-1 and F-1 for the Council Campaign in Port Townsend. I have been out of town for several weeks and not receiving my Mail in North Dakota.

I was not aware that the Signed C-1 and F-1 sent in June 25 was not received by PDC. These were sent to PDC attention Jennifer Hansen.

I also had filed these on line and sent Signature Cards for Same prior.

I hope you can Reconsider the fine imposed on Aug 15 and we can resolve this matter.

I did not prevail in the Primary and am no longer a Candidate.

Thank you

Best Regards,

Vernon Garrison

360-301-2009

From: Vern Garrison [mailto:vern@cablespeed.com]
Sent: Sunday, September 15, 2013 2:46 PM
To: vern@cablespeed.com
Subject: FW: Pending PDC Form C-1

From: Jennifer Hansen [mailto:jennifer.hansen@pdc.wa.gov]
Sent: Tuesday, August 20, 2013 12:18 PM
To: vern@cablespeed.com
Cc: Kurt Young
Subject: RE: Pending PDC Form C-1

Mr. Garrison:

Thank you for the email and the voicemail.

I can see that you have a pending F-1 that can be activated as soon as we receive the signature card. Per my initial email to you on June 21st regarding your C-1 signature card your pending C-1 was removed from the pending list at the beginning of July.

At this point you should consider exercising your appeal rights that are outlined in the order that was sent via certified mail. If you have questions regarding the hearing, the penalty or the appeal process you should direct them to our Compliance Officer, Kurt Young, whose name is listed on the cover letter accompanying the order.

I am sharing this email with Mr. Young and will provide him with the various contacts you have made with me and the attempts you made to comply with your filing requirement as needed.

Jennifer Hansen

Filer Assistance Specialist
Public Disclosure Commission
Tel: 360-586-4560
Fax: 360-753-1112

From: vern@cablespeed.com [<mailto:vern@cablespeed.com>]
Sent: Tuesday, August 20, 2013 10:54 AM
To: 'Vern Garrison'; Jennifer Hansen
Subject: RE: Pending PDC Form C-1

Hi Jennifer,
I never got response from you on this email.
I am out of town, but my wife tells me on phone that I owe fine \$300?
I sent these forms and sig cards to you on June 25 post mark.
Both c-1 and f-1
Thanks,
Vern Garrison

From: Vern Garrison [<mailto:vern@cablespeed.com>]
Sent: Tuesday, June 25, 2013 2:48 PM
To: jennifer.hansen@pdc.wa.gov
Cc: 'Vern Garrison'
Subject: FW: Pending PDC Form C-1

Jennifer,
I am sending this in today's mail.
Will this meet the deadline?
Thanks,
Vern Garrison
360-301-2009

From: Vernon Garrison [<mailto:vern@cablespeed.com>]
Sent: Monday, June 24, 2013 8:27 AM
To: Vernon Garrison
Subject: Fwd: Pending PDC Form C-1

Vern Garrison

Begin forwarded message:

From: Jennifer Hansen <jennifer.hansen@pdc.wa.gov>
Date: June 21, 2013, 4:13:08 PM PDT
To: "VERN@CABLESPEED.COM" <VERN@CABLESPEED.COM>
Subject: Pending PDC Form C-1

Our records show that a C-1 (candidate registration form) for Vernon I. Garrison was electronically submitted on June 2, 2013. The C-1 is pending. We cannot process it until we receive a signature

authorization form through the regular mail. If you missed this step you may use the attached card instead.

Please note that you do not currently have a C-1 registration on file with the Public Disclosure Commission and your C-1 may already be past due.

You must file the signature card by no later than Wednesday, June 26th. If we do not receive a signature card from you by June 26th we will remove your pending C-1 from the list.

Jennifer Hansen

Filer Assistance Specialist

Public Disclosure Commission

Tel: 360-586-4560

Fax: 360-753-1112

1 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
2 **OF THE STATE OF WASHINGTON**

3 IN RE THE MATTER OF ENFORCEMENT
4 ACTION AGAINST

5 Vernon Garrison

6 Respondent.

PDC CASE NO. 13-122

AMENDED FINAL ORDER

(Order On Reconsideration and
Amending Penalty)

7
8 This matter came before the Washington State Public Disclosure Commission on
9 September 26, 2013 at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol
10 Way, Olympia, Washington. The Respondent, Vernon Garrison, requested a reconsideration¹
11 of the prior order of a brief enforcement hearing (brief adjudicative proceeding) in this matter.
12 The review hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter
13 390-37 WAC.

14 Those present included Amit Ranade, Commission Chair; Grant Degginger,
15 Commission Vice-Chair; and Kathy Turner, Member. Also present were Kurt Young, PDC
16 Compliance Officer on behalf of the PDC Staff; PDC Executive Director Andrea McNamara
17 Doyle; Nancy Krier, General Counsel for the Commission; and PDC staff member Nancy
18 Coverdale as recorder/reporter of the proceedings. The Respondent did not participate at the
19 hearing, although he submitted a written request for reconsideration. The proceeding was open
20 to the public and recorded.

21
22
23
24 ¹Under WAC 390-37-144 the initial order became a final order and the request was automatically
25 treated as a request for reconsideration of a final order. For ease of reference, the initial order will be
26 referred to as the "prior order."

1 **I. PROCEDURAL HISTORY**

2 The matter involved allegations that Respondent violated: (1) RCW 42.17A.205 by
3 failing to file a Candidate Registration (C-1 report); and (2) RCW 42.17A.700 by failing to file
4 a Personal Financial Affairs Statement (F-1 report) as a candidate for City Councilmember in
5 the City of Port Townsend.

6 A brief hearing was held on August 1, 2013. The Respondent did not participate. An
7 initial order was entered August 15, 2013, making Findings of Fact, Conclusions of Law and
8 assessing a \$300 civil penalty for the violations found in that hearing. The order became final.

9 By telephone on September 12, 2013, and then by email dated September 17, 2013, the
10 Respondent requested the Commission reconsider that order (“prior order”).

11 Following consideration of the prior order, the Respondent’s email request for
12 reconsideration, Mr. Young’s September 17, 2013 memorandum concerning this case and
13 testimony, the Commission voted unanimously to amend the prior order and reduce the penalty
14 as follows:

15 **II. AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 16 1. The Commission adopts the Findings of Fact in the prior order (attached).
- 17 2. The Commission makes the following additional findings:
- 18 a. The Respondent filed his missing C-1 and F-1 reports manually on paper on
19 September 17, 2013, after the date of the brief enforcement hearing held August 1,
20 2013.
- 21 b. The Respondent believed he filed his C-1 and F-1 reports electronically when he
22 thought he mailed in the signature authorization cards in June of 2013. He was
23 unaware that the PDC did not receive the signature cards at that time.
- 24 c. The Respondent had been out of town in North Dakota and Montana frequently
25 doing consulting work during the five months prior to mid-September, and had only
26 been home for a total of an estimated six weeks.

- 1
2 d. The Respondent did not have a mailing address in either North Dakota or Montana,
3 and conceded he was remiss in going through his mail from the PDC in a timely
4 manner when he was home.
5 e. An F-1 report from the Respondent was created and saved as a "pending report" on
6 June 2, 2013, but no signature card had been received by PDC staff at that time.
7 f. The Respondent's F-1 signature authorization card was received on September 18,
8 2013, releasing his "pending F-1 report".

9 **III. AMENDED ORDER**

10 The prior order entered August 15, 2013 is amended and the Respondent is assessed a
11 civil penalty of \$100, payable within 30 days of the date of this Amended Final Order.

12 The Executive Director is authorized to enter this order on behalf of the Commission.

13 So ORDERED this 7th day of November, 2013.

14 WASHINGTON STATE PUBLIC
15 DISCLOSURE COMMISSION

16 FOR THE COMMISSION:

17 
18 ANDREA MCNAMARA DOYLE
Executive Director


19 **ATTACHMENTS**

- 20 (1) Prior Order
21 (2) Appeals and Enforcement of Final Orders

22 *Copy of this Final Order to:*

23 Vernon Garrison
1430 Quincy Street
Port Townsend, WA 98368

24 I, Jacob Berkeley, certify that I mailed a copy of this order to the Respondent
25 at his respective address, postage prepaid, on the date stated herein.

26 
Signature

11/7/13
Date

INFORMATION ABOUT APPEALS AND ENFORCEMENT OF FINAL ORDERS

APPEALS

RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150*. (Note that the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A final order issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.



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

August 15, 2013

Vernon Garrison
1430 Quincy Street
Port Townsend WA 98368

Subject: PDC Case No. 13-122

Dear Mr. Garrison:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. The Presiding Officer assessed a civil penalty of \$300 in accordance with the penalty schedule set forth in WAC 390-37-165.

Payment is due within 30 days and your check or money order should be payable to the WA State Treasurer. Please mail the penalty payment to the Public Disclosure Commission along with the missing C-1 and F-1 reports. Thank you for your attention to this matter.

If you have questions, please contact me at (360) 664-8854; toll free at (877) 601-2828 or by email at kurt.young@pdc.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Kurt Young".

Kurt Young
Compliance Officer

Enclosure





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

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Vernon Garrison
1430 Quincy Street
Port Townsend WA 98368

In Re Compliance with RCW 42.17A

Vernon Garrison

Respondent.

PDC Case No. 13-122

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

A brief enforcement hearing (brief adjudicative proceeding) was held August 1, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated: (1) RCW 42.17A.205 by failing to file the Candidate Registration (C-1 report), which was due to be filed within two weeks of the Respondent declaring his candidacy; and (2) RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) covering the 12 months preceding the date the Respondent became a candidate for election in 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 Vernon Garrison on July 18, 2013. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate at the hearing or submit any written materials.

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

FINDINGS OF FACT

1. The Respondent is a candidate for City Councilmember in the City of Port Townsend in 2013.
2. As a candidate, the Respondent was required to file an F-1 report and C-1 report within two weeks of the date the Respondent filed a declaration of candidacy, or no later than May 31, 2013.
3. The Respondent had not filed the missing C-1 and F-1 reports by the date of the hearing.
4. The Respondent has no prior violations.



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.205 by failing to file the C-1 report, and RCW 42.17A.700 by failing to file the F-1 report, due no later than May 31, 2013.

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 390-37-165, that is payable within 30 days of the date of this order.

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

Entered this 15 day of August, 2013.

Public Disclosure Commission

Andrea M. Doyle
Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, James Barteky, 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.

Signed

[Signature]

Date

8/15/13