



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: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcca.wa.gov](http://www.pdcca.wa.gov)

**Memorandum**

To: Public Disclosure Commission  
From: Kurt Young, Compliance Officer  
Date: September 17, 2013  
Subject: September 26, 2013, Enforcement Hearing re:  
Robert Jesse Hill, PDC Case No. 13-126

**Allegations:**

PDC staff alleges that Robert Jesse Hill, a candidate for City Councilmember in the City of Tacoma in 2013, violated: (1) RCW 42.17A.205 by failing to file a Candidate Registration (C-1 report); and (2) RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (PDC form F-1), within two weeks of declaring his 2013 candidacy, or not later than May 31, 2013.

**Background:**

On August 23, 2013, PDC staff sent a Brief Enforcement hearing notice to Mr. Hill, at the address he provided on his declaration of candidacy, for a September 10, 2013 brief enforcement hearing (brief adjudicative proceeding). At the September 10 brief enforcement hearing, the Presiding Officer continued the hearing to the next full Commission meeting, in accordance with WAC 390-37-165 (the penalty schedule adopted by the Commission concerning candidates that fail to file or timely file C-1 and F-1 reports).

In accordance with WAC 390-37-165(2), Mr. Hill is not eligible to have his case heard at a brief enforcement hearing because this is his third occasion of a violation and he owes a \$300 outstanding penalty from a prior hearing, PDC Case No. 12-044.

**Reporting Requirements:**

- Candidate filing week was held May 13-17, 2013. More than 2,500 candidates filed for public office in the 2013 election cycle, including Mr. Hill.
- A Candidate Registration report (C-1 report) and a Personal Financial Affairs Statements (F-1 report) were required to be filed within two weeks of declaring a candidacy for public office, or no later than May 31, 2013.

- No F-1 or C-1 report has been filed by Mr. Hill as of September 17, 2013.

**Past Enforcement History:**

PDC Case No. 12-044:

- On August 10, 2011, Mr. Hill was found in violation of RCW 42.17.240 by failing to file an F-1 report within two weeks of declaring his 2011 candidacy for Tacoma City Council, or not later than June 25, 2011. Mr. Hill was assessed a \$300 penalty in accordance with WAC 390-37-165, of which \$50 was suspended on the condition he file the missing F-1 report within 30 days of the date of the order, and commit no further violations of RCW 42.17 for four years from the date of the order.
- Mr. Hill failed to file the missing F-1 report or pay the \$300 outstanding penalty, and his case was sent to collections on March 8, 2013 (see attached documentation).

PDC Case No. 08-012:

- On August 7, 2007, Mr. Hill was found in violation of RCW 42.17.040 by failing to file a C-1 report, and RCW 42.17.240 by failing to timely file an F-1 report, within two weeks of declaring his 2007 candidacy for Tacoma City Council, or not later than June 22, 2007. Mr. Hill was assessed a \$300 penalty in accordance with WAC 390-37-165, of which \$150 was suspended on the condition he file the missing C-1 and F-1 reports by the close of business on Friday, August 17, 2007.
- Mr. Hill filed the missing C-1 and F-1 reports on January 14, 2008, but did not pay the \$300 outstanding penalty.
- Mr. Hill's case was sent to collections on May 1, 2008 (see attached documentation).
- Mr. Hill paid the \$300 penalty on October 2, 2008.

**Staff Recommendation:**

Staff recommends the Commission find that Robert Jesse Hill violated RCW 42.17A.205 and 42.17A.700 and assess an appropriate penalty. Staff recommends a penalty in the range of \$500 to \$750, with a portion suspended conditioned on filing the missing reports and not committing further violations for a two to four year period.

**Comparable Cases:**

- Derek Young, Case No. 01-684 (September 27, 2001) – Mr. Young was an incumbent City Council Member who failed to file an F-1 report on two prior occasions. Both cases were referred to the Attorney General for collection. A violation was found and a \$750 penalty was assessed with \$500 suspended on the condition that no violations are committed for four years. (There have been several similar cases heard by the full commission for incumbent officials.)

- David Elton, Case No. 03-049 (October 29, 2002) – Mr. Elton was a candidate for City Council Member in the City of Spokane Valley. He refused to file the F-1 because he did not want to disclose information about some of his business clients who were also candidates. Mr. Elton lost in the primary election. A violation was found and a \$1,000 penalty was assessed.
- John Potter, Case No. 03-029 (October 2, 2002) – Mr. Potter was a candidate for State Representative. The commission considered a prior violation that included a \$500 outstanding penalty. A violation was found and a \$1,000 penalty was assessed.

Attachments:

- August 23, 2013, Brief Enforcement hearing notice and July 3, 2013 warning letter for PDC Case No. 13-126.
- Robert Jesse Hill information concerning PDC Case No. 12-044 and PDC Case No. 08-012.
- WAC 390-37-165: C-1/F-1 penalty schedule.

Robert Jesse Hill

PDC Case No. 13-126



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July 3, 2013

ROBERT JESSE HILL  
PO BOX 5006  
TACOMA WA 98415

**Subject: Warning Letter for Missing C-1 and F-1 Reports**

**YOUR C-1 AND F-1 REPORTS ARE PAST DUE.** Our records indicate that you filed a Declaration of Candidacy to run for public office in 2013. As a candidate for public office in a jurisdiction with 5,000 or more registered voters, you are required to file a Candidate Registration (C-1 report) and a Personal Financial Affairs Statement (F-1 report) with the Public Disclosure Commission (PDC) within two weeks of declaring your candidacy or no later than May 31, 2013. As of today, the PDC has not received your C-1 and F-1 reports.

**IN ORDER TO AVOID ENFORCEMENT ACTION AND A POSSIBLE MONETARY PENALTY, you must deliver the missing C-1 and F-1 reports to our office by Wednesday, July 17, 2013.** This is the only formal warning notice you will receive regarding this matter. If the missing C-1 and F-1 reports are not received by **July 17<sup>th</sup>**, we may schedule a hearing that could result in a monetary penalty.

Please complete the enclosed C-1 and F-1 reports and mail both reports to the PDC immediately. Alternatively, you may also file the C-1 and F-1 reports using an electronic filing option, so long as you also mail a signed signature-authorization form for the C-1 report and a separate signed signature-authorization form for the F-1 report in addition to completing the on-line C-1 and F-1 reports. If you use the electronic filing option, instructions can be found at [www.pdcc.wa.gov](http://www.pdcc.wa.gov) under "*Filer Resource Quick Links*" in the lower right hand corner of the PDC's Home Page. Please note, electronic filings are held in a pending state and are **not** considered filed until the signature form is received by the Public Disclosure Commission.

Mailed reports are considered filed as of the date they are postmarked. We cannot accept faxed or e-mailed C-1 and F-1 reports.

If you have questions about these reports, please contact Chip Beatty at (360) 586-0616 or by email at [chip.beatty@pdcc.wa.gov](mailto:chip.beatty@pdcc.wa.gov); or Jennifer Hansen at (360) 586-4560 or by email at [jennifer.hansen@pdcc.wa.gov](mailto:jennifer.hansen@pdcc.wa.gov); or toll-free at 1-877-601-2828. Thank you for your prompt attention to this matter.

PDC Staff

Enclosure: Blank F-1 & C-1 reports



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August 23, 2013

ROBERT JESSE HILL  
PO BOX 5006  
TACOMA WA 98415

Subject: Brief Enforcement Hearing Notice (Missing C-1 & F-1) PDC Case Number 13-126

Dear Mr. Hill:

According to our records, you filed a Declaration of Candidacy to run for public office in 2013. As a candidate, you are required to file a Candidate Registration (C-1 Report) and a Personal Financial Affairs Statement (F-1 report) within two weeks of filing your Declaration of Candidacy, or no later than May 31, 2013. On July 3, 2013, PDC staff sent you a warning letter, with a blank C-1 report and a blank F-1 report, informing you that we had not received your C-1 or F-1 reports.

The warning letter notified you that a hearing would likely be scheduled if the missing C-1 report and F-1 report were not received by July 17, 2013. Therefore, in accordance with RCW 42.17A.110 and RCW 42.17A.755, a Brief Enforcement Hearing has been scheduled. The hearing will determine if you violated RCW 42.17A.205 and 42.17A.700 by failing to file the required C-1 and F-1 reports. Under the Brief Enforcement Hearing rules, the Presiding Officer has the authority to assess a penalty of up to \$500, in accordance with a penalty schedule adopted by the Commission.

#### HEARING INFORMATION

Date and time: **Tuesday, September 10, 2013 at 11:30 a.m. (approximate time)**  
Place: Evergreen Plaza Building, Room 206  
711 Capitol Way, Olympia, WA, 98504-0908  
Presiding Officer: Amit Ranade, Chair, Public Disclosure Commission

#### HOW TO AVOID THE HEARING

A faxed or e-mailed C-1 report or F-1 report will not be accepted. In order to avoid the hearing, all of the following items must be received in our office no later than **12:00 p.m. Monday, September 9, 2013**:

- Completed C-1 and F-1 reports (blank forms are available at [pdc.wa.gov](http://pdc.wa.gov) under "Filer Resources," then "Forms," then "A complete list of blank forms);
- A signed Statement of Understanding (blank copy enclosed); and

Brief Enforcement Hearing Notice (Missing C-1 and F-1 report)

Robert Jesse Hill

PDC Case No. 13-126

Page - 2 -

- A check or money order for \$200 (\$100 for each missing report), made payable to "Washington State Treasurer."

I will be representing the Commission staff at the hearing. I am enclosing a Brief Enforcement Hearing brochure along with a copy of the C-1/F-1 penalty schedule.

If there are circumstances you wish to have considered at the hearing, you may attend the hearing in person, or participate by telephone. If you cannot participate at the hearing, you may submit a written response that will be provided to the Presiding Officer prior to the hearing. If you plan on submitting a written response, please do so by **12:00 p.m. on Monday, September 9, 2013.**

If you plan on participating at the hearing or have questions about the hearing process, please contact Jacob Berkey at 360-586-4555 or by email at [jacob.berkey@pdc.wa.gov](mailto:jacob.berkey@pdc.wa.gov) no later than Monday, September 9, 2013.

Sincerely,



Kurt Young  
Compliance Officer

Enclosures:

- Statement of Understanding
- C-1/F-1 Penalty Schedule
- Brief Enforcement Hearing Brochure

Robert Jesse Hill  
PDC Case #12-044

Sent

To

ALLIANCE ONE

03/08/2013

JA





## PUBLIC DISCLOSURE COMMISSION

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February 8, 2013

ROBERT JESSE HILL  
PO BOX 5006  
TACOMA WA 98415

### FINAL NOTICE:

**Re: PDC Case No. 12-044**

**Penalty Amount Due Immediately: \$300**

On August 10, 2011 you were assessed a total penalty of \$300 in PDC Case No. 12-044, of which \$50 was suspended on the conditions that you commit no violations of RCW 42.17 within four years of the Order and you file the missing F-1 report.

Please note that to date we have not received the missing F-1 report or payment for the \$250 due. As a result, your penalty is now \$300.

**If you need to arrange a payment plan**, please contact the PDC in writing by mail. If your penalty remains unpaid, we will refer your case to the Attorney General's Office for collection in Superior Court.

Please mail a check or money order, payable to the State Treasurer, to:

Public Disclosure Commission  
711 Capitol Way RM 206  
PO Box 40908  
Olympia, WA 98504

Thank you for your prompt reply.

Sincerely,

Public Disclosure Commission

Enclosure



STATE OF WASHINGTON  
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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

ROBERT JESSE HILL  
PO BOX 5006  
TACOMA WA 98415

In Re the Matter of	)	PDC Case No. 12-044
Robert Jesse Hill	)	Findings of Fact,
	)	Conclusions of Law and
Respondent.	)	<b>Order Imposing Fine</b>
	)	

A brief enforcement hearing (brief adjudicative proceeding) was held August 10, 2011, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated RCW 42.17.240 by failing to file the Personal Financial Affairs Statement (PDC Form F-1), which was due within two weeks of declaring his candidacy in 2011, or no later than June 25, 2011.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Barry Sehlin was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent was not present and did not submit any written material to be considered by the Presiding Officer.

Brief enforcement hearing notice was sent to Robert Jesse Hill on July 29, 2011. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a candidate seeking election to the office of City Councilmember for the City of Tacoma in 2011.
2. The Respondent was required to file a Personal Financial Affairs Statement (PDC Form F-1) by June 25, 2011, disclosing his financial activities for the previous 12 months.
3. The Respondent did not file the missing F-1 as of the date of the hearing.

### CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded 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 42.17.240 by failing to file the Personal Financial Affairs Statement which was due within two weeks of declaring his candidacy or no later than June 25, 2011.

### 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<sup>1</sup>, of which \$50 is suspended on the condition that the Respondent files the missing F-1 report within 30 days and commits no violations of RCW 42.17 for the next four years from the date of the order.

This is an **Initial Order** of the Public Disclosure Commission. There are two ways the Respondent may appeal this order to the Commission. Once the order becomes a final order, it may also be appealed to Superior Court.

### REVIEW OF INITIAL ORDER - COMMISSION

- a. The Respondent may request a review of this Initial Order by the entire Commission.
- b. The request may be made orally or in writing, and must be received at the Public Disclosure Commission office within **21 business days** after the postmark date of this Initial Order. The Respondent must state the reason for the review, and identify what alleged errors are contained in the initial order.
- c. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.
- d. By law, a request for review of the initial order is deemed to have been denied if the Commission does not make a disposition of the matter within 20 business days after the request is submitted.
- e. If the Commission is unable to schedule a meeting to consider the Respondent's request for review within 20 business days, the Initial Order becomes a Final Order and the matter will automatically be treated as a request for reconsideration of a final order unless the Respondent advises the Commission otherwise. The matter will be scheduled before the full Commission as soon as practicable.

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<sup>1</sup> The assessed penalty is based on a penalty schedule previously adopted by the Commission that takes into consideration prior violations and whether the missing report was filed before the date of the hearing. In assessing the penalty, the Presiding Officer considered that the Respondent had one prior violation (PDC Case No. 08-012) and that the missing report was not filed before the date of the hearing.

- f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 business days, the request must now be put in writing. (See Reconsideration of Final Order below.)
- g. If no request for review is received within 21 business days, this order will automatically become a **Final Order** of the Commission, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 42.17.395, RCW 34.05.470 and RCW 34.05.570).

#### RECONSIDERATION OF FINAL ORDER - COMMISSION

- a. Any party may ask the Commission to reconsider a final order. The request must be in writing and must include the specific grounds or reasons for the request. Grounds for reconsideration shall be limited to:
  - i) A request for review was deemed denied in accordance with WAC 390-37-144(4);
  - ii) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or
  - iii) Significant typographical or ministerial errors in the order.
- b. The request must be delivered to the Public Disclosure Commission office within **21 business days** after the postmark date of this order.
- c. The Public Disclosure Commission is deemed to have denied the request for reconsideration if, within 20 business days from the date the request is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. (RCW 34.05.470).
- d. The Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court. (RCW 34.05.470).

#### FURTHER APPEAL RIGHTS - SUPERIOR COURT

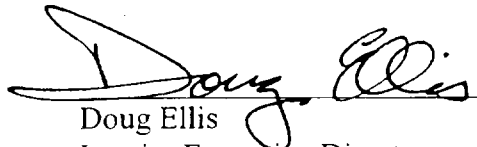
- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this Final Order on the parties. (RCW 34.05.542(2)).
- c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

**ENFORCEMENT OF FINAL ORDERS**

- a. If there is no timely request for review or reconsideration, this Initial Order becomes a Final Order. The Respondent is legally obligated to pay any penalty assessed.
- b. The Commission may seek to enforce a final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

Entered this 22<sup>nd</sup> day of August, 2011.

Public Disclosure Commission



Doug Ellis  
Interim Executive Director

RECEIVED

OCT - 2 2008

Public Disclosure  
Commission

Name: Robert (Jesse ) Hill

# PENALTY PAID

Date Paid: 10/02/08

CASH

Amount: \$300.00

CASE NO. 08-012

NS

COPY

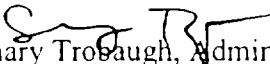


PUBLIC DISCLOSURE COMMISSION

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May 1, 2008

TO: Jeanette Baluyut,  
Attorney General's Office

FROM:   
Suemary Trobaugh, Administrative Officer  
Public Disclosure Commission

SUBJECT: PDC Cases Referred for AGO Collection Process

Attached are copies of two investigative files for which we are requesting the AGO collection process. If you have any questions, please contact me at 753-1985 or my e-mail address, [strobaugh@pdc.wa.gov](mailto:strobaugh@pdc.wa.gov).

Thank you.

COPY

Weekly Status Report – Collection Process

Cases Referred to AGO

**Week of April 28, 2008**

<b>Name of Respondent</b>	<b>Case Number</b>	<b>Database and case file review status</b>	<b>Collection action taken</b>	<b>PDC database update process</b>
1. Hill, Courtney	08-013	Penalty of \$300, and PDC Collection letter sent.	PDC requested AGO collection process.	Indicate AGO contacted and set next PDC review date for 6/1/2008.
2. Hill, Robert	08-012	Penalty of \$300, and PDC Collection letter sent.	PDC requested AGO collection process.	Indicate AGO contacted and set next PDC review date for 6/1/2008.





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March 27, 2008

ROBERT HILL  
2522 N PROCTOR ST #277  
TACOMA WA 98400-9999

RE: PDC Case No. 08-012

Penalty Amount Due: \$300.00

Please note that you were assessed a penalty of \$300, of which \$150 would be suspended on the condition that the missing C-1 and F-1 reports were filed by you by the close of business on Friday, August 17, 2007. A review of your filings indicated that you still have not filed the C-1 or F-1 reports as of today. Please note the full \$300 penalty is due at this time.

Thank you for your prompt reply. If you have any question, please contact the PDC at (360) 753-1111, or toll-free at 1-877-601-2828.

The PDC refers unpaid penalties to the Attorney General Office, and to a collection agency, where the debt is reported to the credit bureaus. To avoid additional fees, and damage to your credit report, please submit a check or money order payable to the State Treasurer, and mail it to:

Public Disclosure Commission  
711 Capitol Way Rm 206  
PO Box 40908  
Olympia WA 98504

Sincerely,

Kurt Young  
Compliance Officer

Enclosure



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

ROBERT HILL  
2522 N PROCTOR ST #277  
TACOMA WA 98400-9999

In Re the Matter of	)	PDC Case No. 08-012
Robert Hill	)	Findings of Fact,
	)	Conclusions of Law and
Respondent	)	<b>Order Imposing Fine</b>
<hr/>		

A brief enforcement hearing (brief adjudicative proceeding) was held August 9, 2007, in Room 206, Evergreen Plaza Building, Olympia, Washington to consider whether the Respondent failed to timely file the Candidate Registration Statement (PDC Form C-1) and the Personal Financial Affairs Statement (PDC Form F-1), both of which were due within two weeks of becoming a candidate in 2007, a violation of RCW 42.17.040 and RCW 42.17.240.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Bill Brumsickle was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent appeared in person and presented testimony to the Presiding Officer.

A brief enforcement hearing notice was sent to the Respondent on July 24, 2007. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a candidate for City Council member for the City of Tacoma in 2007.
2. The Respondent was required to file both the Candidate Registration Statement (PDC Form C-1) and the Personal Financial Affairs Statement (PDC Form F-1) within two weeks of becoming a candidate, or no later than June 22, 2007.
3. The C-1 and F-1 reports were not filed by the date of the Brief Enforcement Hearing.



4. The Respondent stated to the Presiding Officer that he was a first-time candidate for public office and was confused about how to list his campaign name on the C-1 report, since the campaign name began with the word "The". In addition, he said that he had recently made a public announcement about seeking a legislative seat in 2008, and was unsure about how that affected his filing requirements, and he was also unclear about which legislative district he was seeking the office in. Finally, the Respondent thought he had to open multiple bank accounts if he was going to be accepting both "Treasury Notes and gold coins" and inquired about how to report those two items.

#### CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded 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 42.17.040 by failing to file a Candidate Registration Statement.
3. The Respondent violated RCW 42.17.240 by failing to file a Personal Financial Affairs Statement.

#### 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, \$150 per missing report, of which \$150 is suspended on the condition that the missing C-1 and F-1 reports are filed by the Respondent by the close of business on Friday, August 17, 2007.<sup>1</sup>**

This is an **Initial Order** of the Public Disclosure Commission. There are two ways the Respondent may appeal this order to the Commission. Once the order becomes a final order, it may also be appealed to Superior Court.

#### REVIEW OF INITIAL ORDER - COMMISSION

- a. The Respondent may request a review of this Initial Order by the entire Commission.

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<sup>1</sup> The assessed penalty is based on a penalty schedule previously adopted by the Commission that takes into consideration prior violations and whether the missing reports were filed before the date of the hearing. In assessing the penalty, the Presiding Officer considered that the Respondent had no prior violations and that the missing reports were not filed before the date of the hearing.

- b. The request may be made orally or in writing, and must be received at the Public Disclosure Commission office within **21 business days** after the postmark date of this Initial Order. The Respondent must state the reason for the review, and identify what alleged errors are contained in the initial order.
- c. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.
- d. By law, a request for review of the initial order is deemed to have been denied if the Commission does not make a disposition of the matter within 20 business days after the request is submitted.
- e. If the Commission is unable to schedule a meeting to consider the Respondent's request for review within 20 business days, the Initial Order becomes a Final Order and the matter will automatically be treated as a request for reconsideration of a final order unless the Respondent advises the Commission otherwise. The matter will be scheduled before the full Commission as soon as practicable.
- f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 business days, the request must now be put in writing. (See Reconsideration of Final Order below.)
- g. If no request for review is received within 21 business days, this order will automatically become a **Final Order** of the Commission, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 42.17.395, RCW 34.05.470 and RCW 34.05.570).

#### **RECONSIDERATION OF FINAL ORDER - COMMISSION**

- a. Any party may ask the Commission to reconsider a final order. The request must be in writing and must include the specific grounds or reasons for the request. Grounds for reconsideration shall be limited to:
  - i) A request for review was deemed denied in accordance with WAC 390-37-144(4);
  - ii) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or
  - iii) Significant typographical or ministerial errors in the order.
- b. The request must be delivered to the Public Disclosure Commission office within **21 business days** after the postmark date of this order.
- c. The Public Disclosure Commission is deemed to have denied the request for reconsideration if, within 20 business days from the date the request is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. (RCW 34.05.470).

- d. The Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court. (RCW 34.05.470).

**FURTHER APPEAL RIGHTS - SUPERIOR COURT**

- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this Final Order on the parties. (RCW 34.05.542(2)).
- c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

**ENFORCEMENT OF FINAL ORDERS**

- a. If there is no timely request for review or reconsideration, this Initial Order becomes a Final Order. The Respondent is legally obligated to pay any penalty assessed.
- b. The Commission will seek to enforce a final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

Entered this 21<sup>st</sup> day of August, 2007.

Public Disclosure Commission



Vicki Rippie  
Executive Director

**WAC 390-37-165**

**Candidate registration statement (C-1)/candidate statement of financial affairs (F-1) penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file F-1 and/or C-1 by date of enforcement hearing.	\$150 per report	\$300 per report, up to \$500	Full commission consideration	Full commission consideration
Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100 per report	\$200 per report	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100 per report	\$100 - \$200 per report	\$200 - \$400	Full commission consideration

**Provisos:**

- (1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.
- (2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.
- (3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.
- (4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.
- (5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.
- (6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:
  - (a) Was found in violation during a previous reporting period,
  - (b) The violation remains in effect following any appeals, and
  - (c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW 42.17.370, WSR 05-04-038, § 390-37-165, filed 1/27/05, effective 2/27/05; WSR 03-22-065, § 390-37-165, filed 11/4/03, effective 12/5/03.]