



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/Reconsideration from **Carl Mollnow: PDC Case No. 13-138**

Agenda Item

Carl Mollnow is seeking a review by the Commission of an initial order entered in a Brief Enforcement Hearing in PDC Case No. 13-138. The review is scheduled for the September 26, 2013, Commission meeting.

Background

Mr. Mollnow is a candidate seeking the office of City Councilmember in the City of University Place in 2013. Mr. Mollnow 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. Mollnow 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. Mollnow, who did not appear or participate at the hearing, 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. On August 2, 2013, Mr. Mollnow filed his missing C-1 and F-1 reports. The initial Order was entered August 15, 2013.

Request for Review/Reconsideration

On August 2, 2013, Mr. Mollnow met with PDC staff in-person, and delivered his missing C-1 and F-1 reports, inquired about the hearing results, and said he would like to have his case reviewed¹ by the full commission. During September 6 through September 12, 2013, staff exchanged several voice messages with Mr. Mollnow, had two telephone conversations, and received an email from Mr. Mollnow concerning his request for a review.

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

Carl Mollnow
Request for Review/Reconsideration
PDC Case No. 13-138
Page 2

Mr. Mollnow stated by email that in January 2013, he declared he was a candidate for University Place City Councilmember at a Pierce County Republican Party function. He stated the day he made that declaration, he went to the PDC website and downloaded the ORCA filing software and installed it on his computer. He stated he believed he had downloaded the F-1 and C-1 reports, completed the report, and sent them to the PDC.

Mr. Mollnow attached a copy of a screen-shot listing the files from his personal computer, and listing ORCA (the PDC campaign software) in his directory with a January 25, 2013 installation date.

Mr. Mollnow will be appearing in person at the September 26, 2013 Commission meeting.

Attachments:

- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 13-138)
- September 10, 2013, email from Carl Mollnow.



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August 15, 2013

Carl Mollnow
5124 – 84th Avenue West
University Place WA 98467

Subject: PDC Case No. 13-138

Dear Mr. Mollnow:

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.

We received your missing C-1 and F-1 reports containing an August 2, 2013, postmark date, one day after the Brief Enforcement hearings. Thank you for filing the missing reports and 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

*"The public's right to know of the financing of political campaigns and lobbying
and the financial affairs of elected officials and candidates far outweighs
any right that these matters remain secret and private."*

RCW42.17.010 (10)





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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Carl Mollnow
5124 – 84th Avenue West
University Place WA 98467

In Re Compliance with RCW 42.17A

Carl Mollnow

Respondent.

PDC Case No. 13-138

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 Carl Mollnow 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 University Place 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.

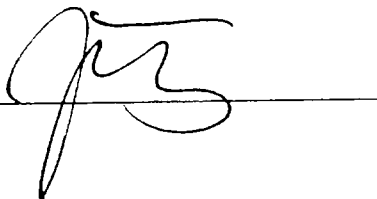
Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Berkley, 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



Date

8/15/13

From: "Car J. Mollnow" <cmollnow741@comcast.net>

To: "kurt young" <kurt.young@pdc.wa.gov>

Sent: Monday, September 9, 2013 1:16:10 PM

Subject: Explanation of filing of 2013 F1 & C1 docs Candidate Req. & Request to appear at hearing to explain actions

Kurt ! This is the Email you requested of me in explanation of my actions or non actions in the filing of the mandatory filing of the F1 & C1 forms required of candidates on the declaration of their running for political office - in this case for the University Place City Council for the 2013 year.

1. In January 2013 at 2 Pierce County Republican Party functions I declared that I was running for U.P City Council although I did not know what position number I would be running for.

2. The day of the first time I "declared" I went to the PDC website and downloaded the PDC program ORCA, installed it on my computer (3 pics of the date I installed ORCA are attached).

3. I then downloaded the F1 & C1 - filled them out - printed them - signed them - and sent them to the PDC for or as my requirement "to file" for the 2013 election.

4. Since I did so as per the requirement that I remembered from my 2009 & 2011 Candidacy for University Place City Council that the PDC requirement was due within 2 weeks I sent the C1 & F1 in at the Jan 2013 timeframe.

5. I then went to my continuing work of getting my home that the City of U.P. had a big hand of causing \$120,000.00 in damages due to allowing a friend of the manager to work without the requirement to get permits for construction / repair and dispensation from following RCW 19,122 (Call Before You Dig) thus breaking my water pipe and not allowing me to bypass or repair it with the threat of arrest of I did so and and/with harassment by the police .
Videos of the above are available.

6. Also during the time between Jan 2013 I have spent hundreds of hours searching thousands of pages of my military records (23 years USAF as enlisted then officer) to/for submission to the VA to obtain benefits that should have started in 1978 and only by some miracle started trickling in after 34 years of futile toil. REASONS: The USAF actually destroyed 8 years of my records so I could not get my retirement to which this date I have not received. Politics of Safety on Hazard Reports that I wrote and actually came true exactly as I put on paper years before. Videos available.

SEE: www.youtube.com/carlmollnow for a starter and 1 of 2 stories I produced and on "60 Minutes" with Ed Bradley as reporting.

ALSO SEE: Any specialty Law website and/or just googling Maj Carl Mollnow or Mollnow v. Carlton.

7. Now that I am starting to get VA benefits and additional claims being filed I must put them in in a narrow timeframe with all required boxes filled hundreds of hours more are needed get, prepare, fill out attach, certify and mail in very soon or loose the chance to get unless entirely NEW info relating to the claim be found within this same timeframe. Crazy

8. The VA starting in July 2013 has changed the medications I've been getting and the ramp up time continues with side effects put me in Lala Land or if you will in my bed with my CPAP machine.

Kurt ! I will sent the other attachments this afternoon as I cannot scan into this OS as I have to find the new or compatible program to register to my computer and allow scanning into/onto this harddrive.

Carl J. Mollnow
5124 - 84th. Ave. W.
University Place, WA 98467-1826

(H) 253-564-1481
(Cel) 253 - 988-3029

Microsoft Visual C++ 2005 Redistributable	Microsoft Corporation	16-Jun-11	300 KB	8.0.61001
Microsoft Visual C++ 2005 Redistributable	Microsoft Corporation	26-Aug-12	2.62 MB	8.0.59193
Microsoft Visual C++ 2008 Redistributable - x86 9.0.2...	Microsoft Corporation	25-Mar-13	1.41 MB	9.0.21022
Microsoft Visual C++ 2008 Redistributable - x86 9.0.3...	Microsoft Corporation	26-Aug-12	586 KB	9.0.30729.4
Microsoft Visual C++ 2008 Redistributable - x86 9.0.3...	Microsoft Corporation	04-Sep-12	600 KB	9.0.30729.4
Microsoft Visual C++ 2010 x86 Redistributable - 10.0....	Microsoft Corporation	13-Sep-12	11.0 MB	10.0.30319
MPPM	Hewlett-Packard	04-Aug-11	197 KB	1.00.0000
MSXML 4.0 SP2 (KB954430)	Microsoft Corporation	13-Jul-11	35.0 KB	4.20.9870.0
MSXML 4.0 SP2 (KB973688)	Microsoft Corporation	13-Jul-11	1.33 MB	4.20.9876.0
Network Magic	Cisco Systems, Inc.	01-Feb-13	32.6 GB	5.5.9195.0
Norton Bootable Recovery Tool Wizard	Symantec Corporation	08-Jul-12		4.1.0.15
Norton Security Suite	Symantec Corporation	23-Apr-13		20.4.0.40
NVIDIA Display Control Panel	NVIDIA Corporation	30-Apr-11	129 MB	6.14.12.585
NVIDIA Graphics Driver 307.83	NVIDIA Corporation	23-Feb-13		307.83
NVIDIA Update 1.10.8	NVIDIA Corporation	11-Oct-12		1.10.8
OCR Software by I.R.I.S. 14.0	HP	04-Aug-11		14.0
ORCA	Public Disclosure Commission	25-Jan-13		1.049
PCI Soft Data Fax Modem with SmartCP	Conexant Systems	21-Apr-11		7.80.4.0
PHOTOfunSTUDIO	Panasonic	13-Jun-11		3.00.000
PHOTOfunSTUDIO 8.0 SE	Panasonic Corporation	26-Aug-12		8.00.310
PowerCinema NE for Everio		02-Aug-11		
PowerDirector Express	Cyberlink Corp.	02-Aug-11		074511a(3.7
PowerProducer	Nova Development	14-Aug-12	7.58 GB	23.0.1.1
Print Artist Platinum 23	Apple Inc.	18-Nov-12	73.1 MB	7.73.80.64
QuickTime	RealNetworks	10-Aug-12	91.7 MB	15.0.6
RealPlayer		21-Apr-11		
Realtek AC'97 Audio				

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

3 IN RE THE MATTER OF ENFORCEMENT
4 ACTION AGAINST

PDC CASE NO. 13-138

AMENDED FINAL ORDER

(Order on Reconsideration and
Amending Penalty)

5 Carl Mollnow

6 Respondent.
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8

9 This matter came before the Washington State Public Disclosure Commission on
10 September 26, 2013 at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol
11 Way, Olympia, Washington. The Respondent, Carl Mollnow, requested a reconsideration¹ of
12 the initial order of a brief enforcement hearing (brief adjudicative proceeding) in this matter.
13 The review hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter
14 390-37 WAC.

15 Those present included Amit Ranade, Commission Chair; Grant Degginger,
16 Commission Vice-Chair; and Kathy Turner, Member. Also present were Kurt Young, PDC
17 Compliance Officer on behalf of the PDC Staff; PDC Executive Director Andrea McNamara
18 Doyle; Nancy Krier, General Counsel for the Commission; and PDC staff member Nancy
19 Coverdale as recorder/reporter of the proceedings. The Respondent, Carl Mollnow,
20 represented himself and attended the hearing to participate in person. The proceeding was
21 open to the public and recorded.

22 ///

23 _____
24 ¹Respondent's request for a review could not be heard within 20 business days. Therefore, under
25 WAC 390-37-144 the initial order became a final order, and the request is automatically treated as a
26 request for reconsideration of a final order. For ease of reference, the initial order will be referred to as
the "prior order."

I. PROCEDURAL HISTORY

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

5 A brief hearing was held on August 1, 2013, where the Respondent was assessed a
6 \$300 civil penalty. The Respondent did not participate.

7 On August 2, 2013, before receiving the order from the brief hearing, Respondent
8 visited the PDC office, filed the missing C-1 and F-1 reports, and requested the Commission
9 review the results of the brief hearing, but no order had yet been entered.

10 An initial order (prior order) was entered August 15, 2013, making Findings of Fact,
11 Conclusions of Law and assessing a \$300 civil penalty for the violations found in the brief
12 hearing. Respondent requested review of that order in a September 9, 2013 email. The prior
13 order became final before the Commission met on September 26, 2013, so the request was
14 considered a request for reconsideration of a final order.

15 Following consideration of the prior order, Respondent's email request for review, Mr.
16 Young's September 17, 2013 memorandum and testimony, and the Respondent's testimony,
17 the Commission voted unanimously to amend the prior order and reduce the penalty as
18 follows:

19 II. AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 20 1. The Commission adopts the Findings of Fact in the prior order (attached).
- 21 2. The Commission makes the following additional findings:
 - 22 a. The Respondent declared his candidacy while in attendance at a Pierce County
23 Republican Party function. The next day he went to the PDC website and
24 downloaded the ORCA filing software and installed it on his computer. He
25

1 believed he had downloaded the F-1 and C-1 reports, completed the C-1 and F-1
2 filing process, and that the reports had been transmitted electronically to the PDC
3 at that time:

- 4 b. Respondent's screen-shot from his personal computer listed ORCA in his directory
5 with a January 25, 2013 installation date.
- 6 c. The Commission has no record of receiving the Respondent's C-1 or F-1 reports in
7 January 2013.
- 8 d. After May 31, 2013, the Respondent received a warning notice from the PDC staff
9 explaining that his reports had not been timely filed.
- 10 e. The Respondent filed the missing C-1 and F-1 reports on August 2, 2013, one day
11 after the brief enforcement hearing.
- 12 3. The Commission adopts the Conclusions of Law in the prior order.
- 13 4. The Commission finds that it is appropriate to reduce the penalty under the
14 circumstances of this case, and will amend the prior order.

15 **III. AMENDED ORDER**

16 The prior order entered August 15, 2013 is amended and the Respondent is assessed a
17 civil penalty of \$150, payable within 30 days of the date of this Amended Final Order.

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

19 So ORDERED this 5th day of November, 2013.

20
21 WASHINGTON STATE PUBLIC
22 DISCLOSURE COMMISSION

23 FOR THE COMMISSION:

24 *Andrea M. Doyle*

25 ANDREA MCNAMARA DOYLE
26 Executive Director

1 ATTACHMENTS

- 2 (1) Prior Order
3 (2) Appeals and Enforcement of Final Orders
4

5 *Copy of this order to:*

6 Carl Mollnow
7 5124 -84th Avenue West
8 University Place, WA 98467

9 I, Jacob Berkley, certify that I mailed a copy of this order to the Respondent
10 at Respondent's respective address, postage prepaid, on the date stated herein.

11 Signature



12 Date

13 11/5/13
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