



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 **Marylene Rios: PDC Case No. 13-312**

Agenda Item

Marylene Rios is seeking a review by the Commission of an initial order entered in a Brief Enforcement Hearing in PDC Case No. 13-312. The review is scheduled for the September 26, 2013, Commission meeting.

Background

Ms. Rios is a first-time candidate seeking the office of Parks and Recreation Commissioner of the North Manson Park and Recreation District. Ms. Rios was required to file a Personal Financial Affairs Statement (F-1 report) within two weeks of declaring her candidacy in 2013, or no later than May 31, 2013, disclosing her financial activities for the previous 12 months.

A Brief Enforcement Hearing was held on August 1, 2013, at which the Presiding Officer found Ms. Rios in violation of RCW 42.17A.700 for failing to file an F-1 report within two weeks of declaring her candidacy in 2013. Ms. Rios was assessed a civil penalty of \$150 penalty in accordance with the penalty schedule set forth in WAC 390-37-165, that is payable within 30 days of the date of the order. The initial Order was entered August 14, 2013. On September 3, 2013, Ms. Rios filed the missing F-1 report.

Request for Review

After receiving the Order, Robert Campbell, a friend of Ms. Rios contacted PDC staff by telephone stating that he had assisted Ms. Rios in attempting to file her F-1 report electronically prior to the hearing notice being received. He also provided staff with information concerning her case that the Presiding Officer was not given at the time of the hearing. Based on that information, Ms. Rios requested a review of the initial Order.

On August 30, 2013, PDC staff received a letter from Ms. Rios requesting a review of her initial Order, stating that she had been dealing with a family medical emergency involving her mother, who recently passed away, and said she not had been focused on her candidacy or her paperwork until she received the Order.

Staff Response

Staff reviewed the F-1 electronic filing application and discovered that on July 15, 2013, Ms. Rios activated her F-1 account and saved an F-1 report electronically. However, she did not complete the next step to properly transmit the missing report, which was to submit the F-1 signature authorization form and passwords.

On September 3, 2013, PDC staff received the missing F-1 signature authorization form and passwords from Ms. Rios and her pending F-1 report was released, processed and filed as of that date.

Attachments:

- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 13-312)
- August 30, 2013, letter from Marylene Rios.



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August 14, 2013

Marylene Rios
PO Box 275
Manson WA 98831

Subject: PDC Case No. 13-312

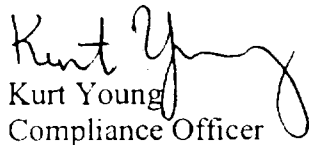
Dear Ms. Rios:

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 \$150 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 F-1 report. 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





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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Marylene Rios
PO Box 275
Manson WA 98831

In Re Compliance with RCW 42.17A

Marylene Rios

Respondent.

PDC Case No. 13-312

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 RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-I 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 Marylene Rios 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 Park and Recreation Commissioner in the Manson Park and Recreation District in 2013.
2. As a candidate, the Respondent was required to file an F-I 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 F-I report 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.700 by failing to file the F-1 report, which was due to be filed 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 \$150 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 14 day of August, 2013.

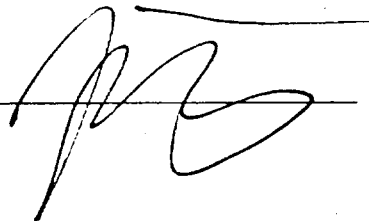
Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Berkely, 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

8/14/13

RECEIVED

AUG 30 2013

Public Disclosure Commission

To whom it may concern,

My name is Marylene Rios, I'm writing to let you know, that the reason in which I was not able to turn all of my paper work in.

I was taking care of my mom at home (her house) she was very ill. She was placed in the hospital in Wenatchee. I spent almost three weeks in the hospital with her, and not been to my house.

Unfortunately my mother passed away, so I've been very busy.

After her passing I had to plan her funeral. So I've been busy, and did not have a chance to do other stuff. I hope you can understand it's not that I didn't want to turn all my paper work, I've had so much on my mind, do to my mom's illness.

Marylene Rios

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. 13-312

**ORDER VACATING PRIOR
ORDER**

5 Marylene Rios

6 Respondent.
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8

9 This matter came before the Washington State Public Disclosure Commission on
10 October 24, 2013 at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way,
11 Olympia, Washington. The Respondent, Marylene Rios, requested a review of the initial order
12 (prior order) from 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; Barry Sehlin, Member; and Kathy Turner, Member. Also present
17 were Kurt Young, PDC Compliance Officer on behalf of the PDC Staff; PDC Executive
18 Director Andrea McNamara Doyle; Nancy Krier, General Counsel for the Commission; and
19 PDC staff member Nancy Coverdale as recorder/reporter of the proceedings. The Respondent
20 did not participate although she submitted a written request for review. The proceeding was
21 open to the public and recorded.

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I. PROCEDURAL HISTORY

1 The matter involved the allegation that Respondent violated RCW 42.17A.700 by
2 failing to timely file a Personal Financial Affairs Statement (F-1 report) as a candidate for the
3 office of Parks and Recreation Commissioner of the North Manson Park and Recreation
4 District.

5 A brief enforcement hearing was held on August 1, 2013. An initial order (prior order)
6 from the brief hearing was entered August 14, 2013, making Findings of Fact, Conclusions of
7 Law and assessing a \$150 civil penalty for the violation.

8 On August 30, 2013, Respondent requested a review, explaining she had been dealing
9 with a family medical emergency. Staff also confirmed that Respondent had attempted to file
10 her F-1 electronically on July 15, 2013 but had not completed all the steps necessary to release
11 the report for filing. This information from the parties had not been made available to the
12 presiding officer at the time of the brief hearing.

13 On September 3, 2013, Respondent filed the missing F-1 report by completing the steps
14 necessary to file electronically.

15 Following consideration of the prior order, Respondent's request, and Mr. Young's
16 September 17, 2013 memorandum and testimony, and for the reasons provided by the parties,
17 the Commission unanimously voted to vacate the prior order.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER

18 The Findings of Fact, Conclusions of Law and Order Imposing Fine entered August 14,
19 2013 are vacated and the allegations are dismissed. No penalty is assessed.

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

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

4 WASHINGTON STATE PUBLIC
5 DISCLOSURE COMMISSION

6 FOR THE COMMISSION:

7 *Andrea M. Doyle*
8 ANDREA MCNAMARA DOYLE
9 Executive Director

10
11 *ATTACHMENTS*

- 12 (1) Prior Order
13 (2) Appeals and Enforcement of Final Orders
14

15 *Copy of this order to:*
16 Marylene Rios
17 PO Box 275
18 Manson, WA 98831

19 I, *Jacob Berkman*, certify that I mailed a copy of this order to the Respondent at
20 Respondent's respective address, postage prepaid, on the date stated herein.

21 *Jacob Berkman*
Signature

22 11/05/13
Date



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Marylene Rios
PO Box 275
Manson WA 98831

In Re Compliance with RCW 42.17A

Marylene Rios

Respondent.

PDC Case No. 13-312

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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 Marylene Rios 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 Park and Recreation Commissioner in the Manson Park and Recreation District in 2013.
2. As a candidate, the Respondent was required to file an F-I 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 F-I report 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.700 by failing to file the F-1 report, which was due to be filed no later than May 31, 2013.

ORDER

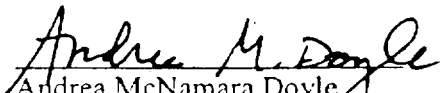
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$150 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 14 day of August, 2013.

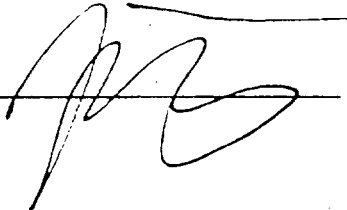
Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Berkely, 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

8/14/13