



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
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Memorandum

To: Public Disclosure Commission

From: Jennifer Hansen, Compliance Officer

Date: May 17, 2022

Subject: Request for Reconsideration from Umair Shah, Reporting Modification

Matter on Review:

On April 28, 2022, the Washington State Public Disclosure Commission (the Commission) considered the request for partial modification of the filing requirements described in RCW 42.17A.700 of Dr. Umair Shah, Secretary of Health for the Washington State Department of Health.

On May 5, 2022, the Commission issued an Order denying Dr. Shah's request which he now requests to be reviewed by the Commission.

Background:

- Dr. Umair Shah was appointed to Secretary of Health with the Department of Health in December 2020, was required to file a Personal Financial Affairs Statement (F-1 report) within two weeks of his appointment and then each year by no later than April 15 for the duration of his appointment.
- On March 27, 2022, Dr. Shah submitted a partial modification request that would exempt him from disclosing his personal residential address as required by RCW 42.17A.710. Commission staff informed Dr. Shah of the residential alternatives set forth in WAC 390-24-200.
- On April 1, 2022, Dr. Shah submitted his F-1 and identified his residential address by county and type of residence, pending the Commission's consideration of his request.
- The Commission considered Dr. Shah's partial modification request at the April 28, 2022 Regular Commission Meeting.

- Compliance Officer, Jennifer Hansen presented the matter to the Commission and Dr. Shah participated via video conference and provided verbal testimony.
- The Commission denied Dr. Shah's request and issued an Order on May 5, 2022 via electronic mail. **[Exhibit A]**

Request for Reconsideration:

- Dr. Umair Shah sent an email to PDC staff on May 11, 2022, requesting an appeal of the Commission's May 5, 2022 Order denying his partial reporting modification. **[Exhibit B]**
- Staff replied to Dr. Shah's email on May 11, 2022, to confirm that his request for an appeal had been received and requested that he send additional written information as to the reason for his appeal pursuant to WAC 390-37-150.
- On May 17, 2022, Dr. Shah sent a supplement to his original request stating that his request is being made to presentation of factual information related to his safety concerns that were not available for the Commission's consideration at the April 28, 2022 meeting. **[Exhibit C]**
- On May 17, 2022, PDC staff served Dr. Shah by email with a hearing notice for a Reconsideration Proceeding to be held on May 26, 2022, concerning Dr. Shah's Request for a Reconsideration of the Order entered on May 5, 2022. **[Exhibit D]**
- On May 18, 2022, Dr. Shah requested a closed hearing pursuant to WAC 390-28-080, to consider the facts of his request.

Exhibit List:

- **Exhibit A** – Umair Shah Final Order denying request; entered May 5, 2022
- **Exhibit B** – Written Request for Review of Order, Dated May 11, 2022
- **Exhibit C** – Written Request Supplement, Dated May 17, 2022
- **Exhibit D** – Reconsideration Hearing Notice, Dated May 17, 2022

PDC Exhibit A

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2
3 BEFORE THE PUBLIC DISCLOSURE COMMISSION
4 OF THE STATE OF WASHINGTON

5 IN RE UMAIR SHAH

6 APPLICATION FOR MODIFICATION
7 OF THE DISCLOSURE REQUIREMENTS
8 OF RCW 42.17A.710.

FINAL ORDER

9 This matter came before the Washington State Public Disclosure Commission (the
10 Commission) upon application by Umair Shah. Proceedings were held on April 28, 2022
11 remotely in Olympia, Washington by live audio and online transmission. Consideration of the
12 request was made pursuant to RCW 42.17A.120 and chapter 390-28 WAC. The applicant
13 participated via video conference at the hearing.

14 The applicant requests exemption from disclosing a personal residential address as
15 identified in the attached Modification Request Cover Sheet.

16 FINDINGS OF FACT

17 Based upon the Modification Application, the Commission makes the following Findings
18 of Fact.

- 19 1. The applicant is subject to the disclosure requirements of RCW 42.17A.710.
20 2. The applicant has not previously been granted the requested reporting
21 modification.
22 3. The applicant attests that the facts contained in the application are true and
23 correct.
24 4. The applicant does not meet the qualifications for a reporting modification
25 established by the Commission in WAC 390-28-100(1)(d).

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1 CONCLUSIONS OF LAW

2 Having made these Findings of Fact, the Commission makes the following Conclusions
3 of Law:

- 4 1. Literal compliance with all provisions of RCW 42.17A.710 would not work a
5 manifestly unreasonable hardship on the applicant.
6 2. Limited suspension or modification of the reporting requirements as specified in
7 the Order would frustrate the purposes of the Act in this particular case.

8 ORDER

9 Having made these Findings of Fact and Conclusions of Law, the Commission issues the
10 following Order:

11 For the Statements of Financial Affairs prospectively covering calendar year 2021 as
12 specified in the attached Modification Request Cover Sheet:

- 13 1. The request for modification is denied.
14 2. In all other matters required to be reported, the applicant shall comply in full with
15 the disclosure requirements of RCW 42.17A.

16
17 Dated this 5th day of May, 2022.

18 For the Commission

19 *Electronically Signed: Peter Frey Lavallee*

20 Peter Frey Lavallee
21 Executive Director

1 INFORMATION ABOUT APPEALS AND ENFORCEMENT OF FINAL
2 ORDERS

3 RECONSIDERATION OF ORDER - BY THE COMMISSION

4 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a petition for
5 reconsideration with the PDC within ten (10) days from the date this order is served upon you.
6 Any petition for reconsideration must state the specific grounds for the relief requested and be
7 limited to those set forth in WAC 390-37-150. Petitions must be submitted electronically to
8 pdc@pdc.wa.gov.

9
10 RESPONDENT'S APPEAL RIGHTS – SUPERIOR COURT

11 You have the right to appeal any adverse action against you in this order to Superior Court,
12 pursuant to the Petition for Judicial Review provisions of RCW 34.05.514 *et seq.* Any Petition
13 for Judicial Review of this order must be filed with the court as provided by RCW 34.05.514, and
14 also served upon the Commission, the Office of the Attorney General, and all parties of record
15 within thirty (30) days after this order is served upon you. *See* RCW 34.05.542.

16
17 CITIZEN APPEAL RIGHTS – SUPERIOR COURT

18 Pursuant to the provisions of RCW 42.17A.120(5), any citizen may bring an action in Thurston
19 County Superior Court to contest any order entered under RCW 42.17A.120 within one year from
20 the date the order is entered.

MODIFICATION REQUEST COVER SHEET

Name of Filer	UMAIR SHAH
Reporting Period	<input checked="" type="checkbox"/> Annual report – calendar year 2021 <input type="checkbox"/> Appointee/Candidate report
Type of Request	<input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal with No Change <input type="checkbox"/> Full Commission Approval <input type="checkbox"/> Renewal with Change
Office Held/Sought & Term	Secretary of Health (State Agency Director), Department of Health Appointed in December 2020
Application Rule(s)	<input type="checkbox"/> Income & Ownership Interest: WAC 390-28-100(b) <input checked="" type="checkbox"/> Personal Residence: WAC 390-28-100(1)(d) <input type="checkbox"/> Attorney: WAC 390-28-100(1)(e)(i) <input type="checkbox"/> Judge / Judicial Candidate: WAC 390-28-100(1)(e)(ii) <input type="checkbox"/> Spousal: WAC 390-28-100(1)(e)(iv) <input type="checkbox"/> Other: WAC 390-28-100
Explanation of Rule(s)	<p>Personal residence - Real property. Regarding reporting the information otherwise required by RCW 42.17A.710 (1)(h) through (k):</p> <p>(i) Under WAC 390-24-200, the filer must list the street address of each parcel, the assessor's parcel number, the abbreviated legal description appearing on property tax statements, or the complete legal description. Each property description must be followed by the name of the county in which the property is located.</p> <p>(ii) No modification will be necessary if the filer describes the real property using one of the alternatives in WAC 390-24-200, plus the name of the county. Judges, prosecutors, or sheriffs may describe a personal residence in the alternative manner provided under RCW 42.17A.710(2), and WAC 390-24-200 without a modification.</p> <p>(iii) A modification will be required if the filer seeks some other means to describe reportable real property including the personal residence of the filer. The commission may consider and grant such a modification to amend the description of a residential address to the extent necessary to protect the applicant or an immediate family member who has received a threat, has obtained a no contact order, or has presented a similar personal safety concern.</p>
Supporting Documents (attached)	<input checked="" type="checkbox"/> Amended F-1 (filed April 13, 2022) <input checked="" type="checkbox"/> Current F-1 (filed April 1, 2022) <input checked="" type="checkbox"/> Modification Application

Reason(s) for Modification (as stated by filer)	<ul style="list-style-type: none">• Dr. Umair Shah is requesting a partial reporting modification that would exempt him from disclosing his residential address on his Personal Financial Affairs Statement (F-1 report) covering calendar year 2021, due to safety concerns.• In his application, Dr. Shah stated that as a public health official, he is the target of potential threats to himself and his family. Dr. Shah included a specific news clip demonstrating his concerns.
Other Issues	<p>Dr. Shah's request could be granted for up to three years as allowed in RCW 42.17A.120(1).</p> <p>Dr. Shah has agreed to recuse himself if there is a conflict of interest between his duties as an appointed official and his personal interests.</p> <p>PDC staff have informed Dr. Shah of the residential address alternatives set forth in WAC 390-24-200.</p> <p>Dr. Shah's records would be exempt from public disclosure if the Commission finds in accordance with RCW 42.17A.120 and WAC 390-28-080 that disclosure of such information would present a personal risk to a reasonable person.</p>

PDC Exhibit B

Ushahmd replied

(Wed, 11 May 2022 at 11:10 AM)

To:"PDC Support" <pdcc@pdcc.wa.gov>

External Email

Hi Jennifer -

Yes I would like to appeal for the May date.

Thank you.

Best,

Umair S.

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*Umair A. Shah, MD, MPH
The Great Pacific Northwest!*

PDC Exhibit C

Ushahmd replied

(Tue, 17 May 2022 at 6:55 AM)

To:"PDC Support" <pdcc@pdcc.wa.gov>

External Email

Hi Jennifer,

Good morning, apologies for not seeing this email until this morning.

As discussed, I am requesting an additional review of my exemption application because I believe the commission did not have access to additional information that would be pertinent to this matter.

I look forward to being able to share this at the upcoming hearing. Let me know if you have any additional questions.

Thank you.

Best,

Umair S.

--

Umair A. Shah, MD, MPH
The Great Pacific Northwest!

PDC Exhibit D



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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May 17, 2022

Delivered electronically to Umair Shah at “ushahmd@gmail.com”

REQUEST FOR RECONSIDERATION HEARING NOTICE

Date and time: Thursday, May 26, 2022 at 1:00 p.m.
Place: Remotely from Olympia
Live Audio and Online Transmission
Presiding Officer: Public Disclosure Commission
Authority: RCW 42.17A and WAC 390

On the above date, the Public Disclosure Commission will hold a hearing, pursuant to RCW 42.17A.120 and Chapter 390-37-150 WAC, to consider your Request for Reconsideration of the Commission’s May 5, 2022 Order denying your request for a partial reporting modification.



Your participation in the hearing is not required, but the PDC recommends participation whenever possible. This will provide you the opportunity to answer any questions the Commission may have regarding your request that were not included in your written materials.

PARTICIPATING VIA MICROSOFT TEAMS

The Enforcement Hearing will be audio and video recorded. Some Commission members and staff will be in-person at the PDC office in Olympian and some will join the meeting remotely.

PLEASE READ THE ENTIRE INSTRUCTION Prior to joining the meeting

How to participate remotely in the Washington State Public Disclosure Commission Meeting on May 26, 2022:

Please note you may be prompted to download MS TEAMS App or use a supported browser: Microsoft Edge  or Chrome  for best performance.

Participation Remote via MS Teams

On the date of the meeting and at the designated agenda time you will Join:

Microsoft Teams meeting info for May 26, 2022

Join on your computer or mobile app [Click here to join the meeting](#)

Please remember to **Mute** yourself and turn your **camera off** when you are not talking.

If you experience technical difficulties with the MS Teams participation after the meeting has started at 1:00 p.m., call the PDC's main number 1-360-753-1111 and staff will try to assist you.

If you have any questions about the hearing process prior to the hearing date, please contact Jennifer Hansen by email at pdcc@pdcc.wa.gov.

Sincerely,

Jennifer Hansen
PDC Compliance Officer