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7 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
8 **OF THE STATE OF WASHINGTON**

9 IN RE THE MATTER OF ENFORCEMENT
10 ACTION AGAINST

11 RENIER ELENBAAS

Respondent.

PDC CASE NO. 22791

ORDER ON RESPONDENT'S
REQUEST FOR
RECONSIDERATION

12 This matter came before the Washington State Public Disclosure Commission on
13 February 27, 2018, at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way,
14 Olympia, Washington. Respondent Renier Elenbaas requested reconsideration of the
15 Commission Order issued on September 5, 2017 following a Brief Enforcement Hearing (brief
16 adjudicative proceeding) in this matter. The matter was held in accordance with Chapters 34.05
17 and 42.17A RCW and Chapter 390-37 WAC.

18 Commissioners present were Anne Levinson, Commission Chair (presiding); Jack
19 Johnson, Commission Vice-Chair; and Commissioners David Ammons and William Downing.
20 Also present were Assistant Attorney General Scott Douglas representing the Commission;
21 Micaiah Ragins, PDC Compliance Coordinator on behalf of PDC Staff; Kurt Young, PDC
22 Compliance Officer; and Assistant Attorney General Chad Standifer on behalf of PDC Staff.
23 Respondent Renier Elenbaas did not participate in the proceeding. The proceeding was open to
24 the public and recorded.

25 The Commissioners had before them the following materials:
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- 1 1. Case memorandum dated February 20, 2018 prepared by Micaiah Ragins, PDC
2 Compliance Coordinator;
- 3 2. Letter dated December 29, 2017 from Renier Elenbaas to PDC Staff requesting
4 reconsideration of the Initial Order;
- 5 3. The Initial Order and cover letter dated September 5, 2017;
- 6 4. Secretary of State Declaration List of Meridian School District Directors, dated
7 December 4, 2017;
- 8 5. Email from PDC Staff to Renier Elenbaas dated August 1, 2017;
- 9 6. C-1 Candidate Registration filed by Renier Elenbaas on December 29, 2017;
- 10 7. F-1 Personal Financial Affairs Statement filed by Renier Elenbaas on February 13,
11 2018; and
- 12 8. Whatcom County Election Results report dated November 27, 2017.

13 I. PROCEDURAL HISTORY

14 The matter involved Mr. Elenbaas's request that the Commission reconsider the finding
15 that he violated RCW 42.17A.205 and .700 by failing to file a C-1 Candidate Registration form
16 and a Personal Financial Affairs Statement (F-1 report) as a 2017 candidate, which was due to
17 be filed not later than June 2, 2017. Mr. Elenbaas was a successful candidate for Director of
18 Meridian School District 505 in Whatcom County, and now serves in that capacity.

19 A missing C-1 and F-1 Report Warning Letter was sent via mail to Mr. Elenbaas by PDC
20 Staff on July 5, 2017 to 227 Pyramid Lane, Lynden WA 98264, the address provided by the
21 Whatcom County elections office. A final reminder of the missing C-1 and F-1 reports was sent
22 on August 1, 2017 to Mr. Elenbaas via email to melenbaas@yahoo.com. A Brief Enforcement
23 Hearing notice was mailed to the Pyramid Lane address on August 2, 2017. Neither the warning
24 letter nor the hearing notice was returned to the PDC as undeliverable.

25 On July 26, 2017, PDC Staff attempted to contact Mr. Elenbaas by telephone regarding
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1 the missing C-1 and F-1 reports, but encountered was significant static and connectivity issues.
2 Additional attempts were made by Staff to contact Mr. Elenbaas at the telephone number, but
3 those attempts were unsuccessful. The telephone number used by PDC Staff was from a C-1
4 report filed in 2014, but Staff later discovered that the phone number belonged to Joseph Renier
5 Elenbaas, the father of Respondent Mr. Elenbaas.

6 A Brief Enforcement Hearing was held on August 23, 2017. Mr. Elenbaas did not appear
7 or participate. An Initial Order was entered on September 5, 2017, making Findings of Fact,
8 Conclusions of Law, and assessing a \$500 civil penalty in accordance with WAC 390-16-165.

9 On September 5, 2017, PDC Staff served the Initial Order to the address on file, 227
10 Pyramid Lane, Lynden WA 98264. The Order was not returned to the PDC office by the postal
11 service and was considered successfully served.

12 Mr. Elenbaas contacted PDC Staff by telephone on December 28, 2017 explaining that
13 he was overwhelmed with emails after declaring his candidacy for office and that he did not
14 understand his filing requirements. He stated this contributed to why he did not see reminders
15 that were being sent by PDC staff until after the November 7, 2017 general election had been
16 held. Mr. Elenbaas also stated that he did not receive any mail from the PDC, and that he would
17 have taken notice if the letters from the PDC were sent by registered mail. In addition, he
18 explained how his first name is identical to his father's middle name, which contributed to how
19 PDC Staff contacted the incorrect telephone number in July, 2017. On December 29, 2017, Mr.
20 Elenbaas provided PDC Staff with a written request for reconsideration, and worked with PDC
21 Staff to electronically file both the C-1 report and F-1 reports.

22 At its regularly-scheduled meeting on February 27, 2017, the Commission heard
23 testimony from Micaiah Ragins and reviewed the documentation provided. The Commission
24 voted unanimously to reconsider the Initial Order. Considering Staff's communication
25 difficulties with Respondent, and his cooperation with PDC Staff and prompt filing of the C-1
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1 and F-1 reports upon learning of the deficiency, the Commission voted unanimously to modify
2 the assessed penalty.

3 **II. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

4 Respondent's request for reconsideration is granted. This Amended Order will be the
5 Final Order. The Findings of Fact and Conclusions of Law entered on September 5, 2017 are
6 affirmed. Of the \$500 penalty assessed in the September 5, 2017 Order, \$200 is suspended on
7 the following conditions:

8 Within 30 days from the date of entry of this Final Order,

- 9 1. Mr. Elenbaas must pay the \$300 non-suspended portion of the penalty; and
10 2. Mr. Elenbaas must "cease and desist" from failing to file his required PDC reports in
11 accordance with RCW 42.17A, and must be in compliance with all PDC reporting obligations).

12 If Respondent Renier Elenbaas fails to comply with any of the conditions of this Final
13 Order, the suspended portion of the penalty shall immediately become due without further action
14 by the Commission.

15 PDC Staff will send a copy of this Order to legal counsel for the Meridian School District
16 to remind Mr. Elenbaas and other school directors about the C-1 and F-1 filing requirements.

17 The Executive Director is authorized to enter this Order on behalf of the Commission.

18 SO ORDERED this 5th day of March, 2018.

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20 WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:



Peter Lavallee
Executive Director

21 *This order sent by mail to:*

22 Renier Elenbaas
227 Pyramid Lane
Lynden WA 98264

23 *And by email to:*

24 Phil Stutzman, PDC Staff
(phil.stutzman@pdc.wa.gov)

25 Chad Standifer, Assistant Attorney General
26 (ChadS@atg.wa.gov)

I, Micaiah T. Ragins, certify that I emailed a
copy of this order to the Respondent at his respective
email address.

Micaiah T. Ragins March 5th, 2018