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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 DAVID TELLESEN

12 Respondent.

PDC CASE NO. 22774

ORDER ON RESPONDENT'S  
REQUEST FOR  
RECONSIDERATION

13 This matter came before the Washington State Public Disclosure Commission on  
14 December 7, 2017, at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way,  
15 Olympia, Washington. Respondent David Tellessen requested reconsideration of the  
16 Commission Order issued on September 5, 2017 following a Brief Enforcement Hearing (brief  
17 adjudicative proceeding) in this matter. The matter was held in accordance with Chapters 34.05  
18 and 42.17A RCW and Chapter 390-37 WAC.

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

26 The Commissioners had before them the following materials:

- 1 1. Case memorandum dated November 27, 2017 prepared by Micaiah Ragins, PDC
- 2 Compliance Coordinator;
- 3 2. Email dated October 25, 2017 from David Tellessen to PDC Staff requesting review
- 4 of the Initial Order;
- 5 3. F-1 Personal Financial Affairs Statement filed by Mr. Tellessen on October 26, 2017
- 6 for the preceding twelve months;
- 7 4. The Initial Order and cover letter dated September 5, 2017;
- 8 5. Email dated September 26, 2017 from DES to PDC Staff regarding return of the Initial
- 9 Order as undeliverable; and
- 10 6. List of Fire Commissioner candidates for Pend Oreille County from the 2016 general
- 11 election, and election results.

## 12 I. PROCEDURAL HISTORY

13 The matter involved Mr. Tellessen's request that the Commission reconsider the finding  
14 that he violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1  
15 report) as a candidate for elected office, which was due to be filed not later than June 2, 2017,  
16 disclosing financial activities for the preceding twelve months. Mr. Tellessen was a candidate  
17 for Fire Commissioner of the Pend Oreille Fire Protection District 04; he was not elected to the  
18 position in the 2016 general election.

19 A missing F-1 Report Warning Letter was mailed on July 5, 2017 to Mr. Tellessen at  
20 13721 Westside Calispell Road, Usk, WA 99180. A Brief Enforcement Hearing notice was  
21 mailed to the same address on August 2, 2017. Neither letter was returned to the PDC as  
22 undeliverable.

23 A Brief Enforcement Hearing was held on August 23, 2017. Mr. Tellessen did not appear  
24 or participate. An Initial Order was entered on September 5, 2017, making Findings of Fact,  
25 Conclusions of Law, assessing a \$250 civil penalty against Mr. Tellessen in accordance with  
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1 WAC 390-16-165, and ordering that Mr. Tellessen file the missing F-1 report and pay the  
2 assessed the penalty within 30 days of entry of the order.

3 On September 5, 2017, PDC Staff attempted to serve the Initial Order to the address on  
4 file, 13721 Westside Calispell Road, Usk, WA 99180. On September 26, 2017, PDC Staff  
5 received notification from the Department of Enterprises Services (DES) that the Order was  
6 returned to DES by the postal service with a note which stated, "Attempted Not Known".

7 On October 16, 2017, PDC Staff mailed the Initial Order to a different address that was  
8 found using online white pages. PDC Staff were unable to contact David Tellessen by phone or  
9 email to verify his mailing address since no other contact information had been provided. The  
10 Order was mailed to 3708 North Arden Road, Otis Orchards, WA 99027.

11 Mr. Tellessen contacted PDC Staff by telephone on October 23, 2017 to provide a valid  
12 mailing address and to discuss the missing F-1 report and the Initial Order. Mr. Tellessen stated  
13 that he received the Initial Order because the document had been mailed to his parents' residence  
14 using the Otis Orchards mailing address. He explained that the address that he used to register  
15 as a candidate was his physical residence, since the declaration of candidacy form had a section  
16 for "residential" address, but not "mailing" address.

17 On October 24, 2017, PDC Staff mailed the Initial Order using the mailing address  
18 provided by Mr. Tellessen, P.O. Box 633, Newport, WA 99156.

19 On October 25, 2017, PDC Staff received a written request for review of the Initial Order  
20 from Mr. Tellessen, on the basis that he was unaware that the PDC had been attempting to contact  
21 him due to the mailing address discrepancy. He worked with PDC Staff to resolve the  
22 noncompliance and he electronically filed the missing F-1 report on November 1, 2017.

23 At its regularly-scheduled meeting on December 7, 2017, the Commission heard  
24 testimony from Micaiah Ragins and considered the exhibits presented.  
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1 The Commission voted unanimously to reconsider the Initial Order, and to waive the  
2 \$250 penalty based on lack of due and proper notice to the Respondent, and Respondent's  
3 cooperation with PDC Staff and prompt filing of Form F-1 upon learning of the deficiency.

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

5 Respondent's request for reconsideration is granted. The \$250 civil penalty assessed  
6 against Mr. Tellessen is hereby waived. The Executive Director is authorized to enter this order  
7 on behalf of the Commission.

8  
9 SO ORDERED this 15<sup>th</sup> day of December, 2017.

10 WASHINGTON STATE PUBLIC  
11 DISCLOSURE COMMISSION

12 FOR THE COMMISSION:

13   
14 Peter Lavalley  
15 Executive Director

16 *This order sent by mail to:*  
17 David Tellessen  
18 PO Box 633  
19 Newport, WA 99156

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

23 Micaiah T. Ragins December 19, 2017  
24 Signed Date  
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