



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: Micaiah Ragins, Compliance Coordinator

Date: November 27, 2017

Re: Request for Review from the Fire Commissioner candidate of the Pend Orielle Fire Protection District 04, David Tellessen, PDC Case 22774

Agenda Item

On August 23, 2017, David Tellessen, a candidate for Fire Commissioner of the Pend Orielle Fire Protection District 04, was found in violation of RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) due to be filed within two weeks of declaring candidacy or no later than June 2, 2017, disclosing financial information for the preceding twelve months. At that hearing, a \$250 penalty was assessed, which David Tellessen requests be reviewed by the full Public Disclosure Commission. **(See Exhibit 1).**

Background

- David Tellessen was a first-time candidate for Fire Commissioner of the Pend Orielle Fire Protection District 04.
- As a candidate for election, Tellessen was required to file a Personal Financial Affairs Statement (F-1 report) disclosing financial activities for the preceding twelve months within two weeks of declaring candidacy or not later than June 2, 2017.
- On August 23, 2017, a Brief Enforcement Hearing was held in which the Presiding Officer found David Tellessen in violation of RCW 42.17A.700 for failing to file an F-1 report for the preceding twelve months. David Tellessen was assessed a \$250 penalty in accordance with WAC 390-37-143, the penalty schedule adopted by the Commission, which was payable within 30 days of the date of the Order.
- David Tellessen was not required to file the C-1 candidate registration because the jurisdiction had fewer than 5,000 registered voters.
- The initial Order was entered September 5, 2017, but not properly served until October 24, 2017. **(See Exhibit 2).**

Request for Review/Reconsideration

- On July 5, 2017, the PDC Staff mailed a warning letter concerning the missing F-1 report to the address provided by the Pend Oreille County elections office, through the Secretary of State's office. **(See Exhibit 3)**. The warning letter was not returned to the PDC office by the postal service. The warning letter was mailed to 13721 Westside Calispell Road, Usk, WA 99180.
- On August 2, 2017, PDC Staff mailed a hearing notice to the same address that the warning letter was mailed to. The hearing notice was not returned to the PDC office by the postal service. The hearing notice was mailed to 13721 Westside Calispell Road, Usk, WA 99180.
- On September 5, 2017, PDC Staff mailed the Initial Order to the same address. The Order was not returned to the PDC office by the postal service. The Order was mailed to 13721 Westside Calispell Road, Usk, WA 99180.
- On September 26, 2017, PDC Staff received notification from the Department of Enterprises Services (DES) that the invoice was returned to DES by the postal service with a note which stated, "Attempted Not Known." **(See Exhibit 4)**.
- On October 16, 2017, PDC Staff mailed the Initial Order for a second attempt, using a different address that was found using online whitepages. PDC Staff were unable to contact David Tellessen by phone or email to verify his mailing address since no other contact information was provided. The Order was mailed to 3708 North Arden Road, Otis Orchards, WA 99027.
- On October 23, 2017, PDC Staff received contact from David Tellessen by phone and were informed that he received the Initial Order because the document had been mailed to his parents' residence using the Otis Orchards mailing address. David Tellessen explained that the address that he used to register as a candidate was his physical residence, since the declaration of candidacy form had a section for "residential" address, but not "mailing" address.
- On October 24, 2017, PDC Staff mailed the Initial Order for a third attempt, using the P.O box address provided by David Tellessen over the phone. The address successfully served was P.O Box 633, Newport, WA 99156.
- On October 25, 2017, PDC Staff received a written request for review of the Initial Order from David Tellessen, on the basis that he was unaware that the PDC had been attempting to contact him due to the mailing address discrepancy. He worked with PDC staff to resolve the noncompliance when he discovered the violation.
- On November 1, 2017, David Tellessen electronically filed the missing F-1 report. **(See Exhibit 5)**. The results for the election posted on the Pend Oreille county elections website shows that Mr. Tellessen received 201 votes to his opponent's 206 votes. **(See Exhibit 6)**.

Staff Recommendation/Comments

- PDC Staff recommends that the Commission waive the \$250 penalty assessed, on the basis that David Tellessen does not appear to have been properly served with the hearing notice for the August 23, 2017 Brief Enforcement Hearing. Mr. Tellessen cooperated with PDC Staff in filing the F-1 report after contact was established.

Exhibits:

Exhibit 1 October 25, 2017, written request for review from David Tellessen

Exhibit 2 Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case 22774)

Exhibit 3 December 4, 2017, Secretary of State candidate declaration list

Exhibit 4 September 26, 2017, Department of Enterprises Services returned invoice notification.

Exhibit 5 November 1, 2017, F-1 personal financial affairs statement

Exhibit 6 November 27, 2017, Pend Oreille County ballot results for David Ryan Tellessen

From: ryan tellessen [mailto:rynotell@hotmail.com]
Sent: Wednesday, October 25, 2017 11:58 AM
To: Micaiah Ragins (PDC) <micaiah.ragins@pdc.wa.gov>
Subject: David Tellessen, case 22774

Dear Board,

I am writing this letter in response to PDC Order, Case 22774 which is in regards to me not submitting f-1 form. I honestly had no idea that this was required of me. I was not informed of this when I filed for the position at our local agency. I had not received any letters or phone calls from the PDC until your agent was able to track my parents phone number and address. As soon as I found out this was needed I attempted contact with Micaiah and we played phone tag for a few days. I honestly believe the reason my contact information was wrong is because my mailing address is in Newport which is a different location from my physical address. I used my physical address to support my bid for the fire commissioner position. As soon as I found out what was needed from me I started filling out the F-1 form online. By the time you read this it will have been submitted this form. I understand I am at your mercy, please understand I had no idea that I needed to fill out any other forms than what was needed locally. With that said it is my request that you please void the \$250.00 dollar fine you have imposed. If at any point in the hearing you would like to contact me my phone number is (509) 951-1227.

I live on the east side of the state along the Idaho border therefore, I do not have the option to make it to the hearing due to work and financial reasons.

At your mercy,
David Ryan Tellessen



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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcca.wa.gov

September 5, 2017

David Tellessen
13721 Westside Calispell Road
Mukilteo WA 98275

Subject: PDC Order, Case 22774

Dear David Tellessen,

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. At the August 23, 2017, Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of \$250 in accordance with WAC 390-37-143, payable within 30 days of the date of the Order.

The \$250 penalty is payable no later than October 5, 2017. Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:

WA State Treasurer - Public Disclosure Commission
Financial Office
PO Box 41465
Olympia, WA 98504-1465

Please do not send the payment to the PDC offices. Thank you for your prompt attention to this matter, and please file the missing F-1 report disclosing financial activities for the previous twelve months of the 2017 election cycle. If you have questions, please contact me by email at micaiah.ragins@pdcc.wa.gov.

Sincerely,

Micaiah Titus Ragins
Compliance Coordinator

Enclosures:
Initial Order





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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

David Tellessen
13721 Westside Calispell Road
Mukilteo WA 98275

In Re: Compliance with RCW 42.17A

David Tellessen

Respondent.

PDC Case 22774

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

A brief enforcement hearing (brief adjudicative proceeding) was held on August 23, 2017, 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-1 report) as a candidate for the 2017 election cycle, which was due to be filed within two weeks of declaring candidacy, or not later than June 2, 2017, disclosing financial activities for the preceding twelve months.

The hearing was held in accordance with Chapters 34.05 RCW and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to David Tellessen on August 2, 2017. Commission Chair Anne Levinson was the Presiding Officer. The Commission staff was represented by Micaiah Ragins, Compliance Coordinator. The Respondent did not participate in 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 Fire Commissioner of the Pend Oreille Fire Protection District 04.
2. As a candidate for election, the Respondent was required to file an F-1 report within two weeks of declaring candidacy or not later than June 2, 2017.
3. The Respondent did not file the missing F-1 report prior to 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 within two weeks of declaring candidacy or not later than June 2, 2017.

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 \$250 in accordance with the F-1 penalty schedule set forth in WAC 390-37-160, payable within 30 days of the date of the Order. It is further ordered that the Respondent:

1. **Pay the \$250 civil penalty within 30 days of the date of this Order.**
2. **"Cease and desist" from failing to file the required PDC reports in accordance with RCW 42.17A.755(4).**
3. **File the missing F-1 report disclosing the previous 12 months within 30 days of the date of this Order.**

In the event the Respondent fails to pay the \$250 civil penalty within 30 days of the date of the Order, PDC staff is directed to refer the matter to the Department of Enterprise Services (DES) for collection of the amount owed.

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 5th day of September, 2017.

Public Disclosure Commission



Peter Lavalée
Executive Director

I, Micaiah Ragins, certify that I mailed a copy of this order to the Respondent/Applicant at his/her respective address postage pre-paid on the date stated herein.



Signed Date
September 5, 2017

Respondent's Appeal Rights

REVIEW OF INITIAL ORDER - BY THE COMMISSION

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission **review** an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review (*WAC 390-37-144*).
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request. If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below.

If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable. If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order**. At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570*.

RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150*.
- Note: the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, the date the Order is emailed if agreed to by the Respondent, or the date received if the order is personally served. *RCW 34.05.010(19)*. (The Commission orders are generally mailed via U.S. mail or emailed.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. WAC 390-37-150.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. RCW 34.05.470(5).

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A **final order** issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.

BallotName	FirstName	LastName	OfficeName	JurisdictionName	ReportingName	Email	LeadCountyName	Phone	MailingAddress	MailingCity	MailingState	MailingZipCode
RYAN TELLESSEN	David	Tellessen	FIRE COMMISSIONER	Fire District - 04	FIRE COMMISSIONER #2		Pend Oreille		13721 Westside Calispell Rd	Usk	WA	99180
			Clerk	ADAMS COUNTY	Clerk							
			Commissioner District	PORT DISTRICT 1	Commissioner District 1							
			Commissioner Position	HOSPITAL DISTRICT 2	Commissioner Position 3							
			Commissioner Position 5	HOSPITAL DISTRICT 2	Commissioner Position 5							
			Commissioner Position	HOSPITAL DISTRICT 3	Commissioner Position 3							
			Commissioner Position	HOSPITAL DISTRICT 3	Commissioner Position 5							

From: Bartoldo, Betti (DES) [<mailto:beti.bartoldo@des.wa.gov>]
Sent: Tuesday, September 26, 2017 11:50 AM
To: Jana Greer, Administrative Officer <jana.greer@pdc.wa.gov>
Subject: 082-PDC Returned Invoices Shellhamer Tellessen

Good Morning,

We have received the attached invoice back in the mail. The postal note for Mr. Shellhamer states, *No Such Street Unable to Forward* and Mr. Tellessen's states, *Attempted Not Known*.

Thank you,
Betti

Betti Bartoldo ■ Revenue Management – Fiscal Analyst ■ 360.407.7967
DEPARTMENT OF ENTERPRISE SERVICES ■ 1500 JEFFERSON STREET #3246 / MS#41460
■ OLYMPIA, WA 98504

PUBLIC DISCLOSURE COMMISSION  711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		PDC FORM F-1 (1/15)	PERSONAL FINANCIAL AFFAIRS STATEMENT	PDC OFFICE USE 100763730 Covers: 10-26-2016 : To: 10-26-2017 Received: 11-01-2017																							
Refer to instruction manual for detailed assistance and examples. Deadlines: Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position. SEND REPORT TO PUBLIC DISCLOSURE COMMISSION		DOLLAR CODE AMOUNT A \$1 to \$4,499 B \$4,500 to \$23,999 C \$24,000 to \$47,999 D \$48,000 to 119,999 E \$120,000 or more																									
Last Name First Middle Initial TELLESSEN DAVID R		Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details. Christina tellessen SP Samantha tellessen D Keslee tellessen D																									
Mailing Address (Use PO Box or Work Address) PO BOX 633 City County Zip + 4 NEWPORT PENDOREILLE 99156																											
Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input checked="" type="checkbox"/> Candidate running in an election: month <u>NOV</u> year <u>2017</u> <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature		Office Held or Sought Office title: <u>FIRE COMMISSIONER</u> County, city, district or agency of the office, name and number: <u>PEND OREILLE FIRE PROT DIST 04</u> Position number: <u>2</u> Term begins: <u>01-01-2018</u> ends: <u>12-31-2022</u>																									
1 INCOME List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,400 or more during the period. Include stock options received during the reporting period that had a value of \$2,400 or more. (Report interest and dividends in Item 3 on reverse)																											
Show Self (S) Spouse (SP/DP) Dependent (D)																											
<table border="1"> <thead> <tr> <th>Name and Address of Employer or Source of Compensation</th> <th>Occupation or How Compensation Was Earned</th> <th>Amount:</th> </tr> </thead> <tbody> <tr> <td>Pend Oreille PUD Po box 190 NEWPORT WA 99156</td> <td>Water System Operator</td> <td>D</td> </tr> <tr> <td>City of Newport 200 S Washington NEWPORT WA 99156</td> <td>Clerk</td> <td>D</td> </tr> </tbody> </table>					Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount:	Pend Oreille PUD Po box 190 NEWPORT WA 99156	Water System Operator	D	City of Newport 200 S Washington NEWPORT WA 99156	Clerk	D														
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Check Here <input type="checkbox"/> if continued on attached sheet																											
2 REAL ESTATE List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$12,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)																											
<table border="1"> <thead> <tr> <th>Property Sold or Interest Divested</th> <th>Assessed Value (Use Code)</th> <th>Name and Address of Purchaser</th> <th colspan="2">Nature and Amount (Use Code) of Payment or Consideration Received</th> </tr> </thead> <tbody> <tr> <td>Property Purchased or Interest Acquired</td> <td></td> <td>Creditor's Name/Address</td> <td>Payment Terms</td> <td>Security Given</td> <td>Mortgage Amount - (Use Code) Original Current</td> </tr> <tr> <td>All Other Property Entirely or Partially Owned</td> <td></td> <td colspan="2">Wells Fargo bank</td> <td></td> <td></td> </tr> <tr> <td>Pend Oreille County, 13721 westside calispel rd usk wa Check here <input type="checkbox"/> if continued on attached sheet</td> <td>E</td> <td>WA</td> <td></td> <td>E</td> <td>E</td> </tr> </tbody> </table>					Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received		Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount - (Use Code) Original Current	All Other Property Entirely or Partially Owned		Wells Fargo bank				Pend Oreille County, 13721 westside calispel rd usk wa Check here <input type="checkbox"/> if continued on attached sheet	E	WA		E	E
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All Other Property Entirely or Partially Owned		Wells Fargo bank																									
Pend Oreille County, 13721 westside calispel rd usk wa Check here <input type="checkbox"/> if continued on attached sheet	E	WA		E	E																						

3	ASSETS / INVESTMENTS - INTEREST / DIVIDENDS			List bank and savings accounts, insurance policies, stock, bonds and other intangible property (including but not limited to stock options) held during the reporting period.	
	<p>A. Name and address of each bank or financial institution in which you or a family member, including registered domestic partner, had an account over \$24,000 any time during the report period.</p> <p>B. Name and address of each insurance company where you or a family member, including registered domestic partner had a policy with a cash or loan value over \$24,000 during the period.</p> <p>C. Name and address of each company, association, government agency, etc. in which you or a family member, including registered domestic partner, owned or had a financial interest worth over \$2,400. Include stocks, bonds, ownership, retirement plan, IRA, notes, stock options, and other intangible property. If you, your spouse, registered domestic partner and/or dependents had decision making authority regarding individual assets/investments list each asset or investment, the value and any income amount. EXAMPLE: If you self directed an investment account, identify each stock or other asset in that account. Denver Co 80217-3763</p>	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)	
Check here <input type="checkbox"/> if continued on attached sheet.		Retirement	D	0	

4	CREDITORS			List each creditor you or a family member, including registered domestic partner, owed \$2,400 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.		AMOUNT (USE CODE)	
	Creditor's Name and Address	Terms of Payment	Security Given	Original	Present		
Stcu Po box 1954 Spokane Wa 99210		Monthly	Vehicles	D	C		
Check here <input type="checkbox"/> if continued on attached sheet.							

5 All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. At any time during the reporting period were you, your spouse, registered domestic partner or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? ___ If yes, complete Supplement, Part A.
- B. Did you, your spouse, registered domestic partner or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? ___ If yes, complete Supplement, Part A.
- C. Did you, your spouse, registered domestic partner or dependents own a business at any time during the reporting period? ___ If yes, complete Supplement, Part A.
- D. Did you, your spouse, registered domestic partner or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? ___ If yes, complete Supplement, Part B.
- E. **Only for Persons Filing Annual Report.** Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse, registered domestic partner or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? ___ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training? ___ If yes to either or both questions, complete Supplement, Part C.

<p>ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.</p> <p><input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.</p> <p><input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17A.555 regarding the use of public facilities in campaigns.</p> <p>*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.</p>	<p>CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>David _____ 10-26-2017 Signature Date</p> <p>Contact Telephone: 509-951-1227 *</p> <p>Email: Rynotell@hotmail.com (work)*</p> <p>Email: _____ (Home) Optional</p>
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REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

Fire District - 04 FIRE COMMISSIONER #2

Candidate	Vote	Vote %
BANETA (BONNIE) SHEFFLER 	206	50.61%
RYAN TELLESSEN 	201	49.39%
Total Votes (not including write-ins)	407	