



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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To: Commission Members

From: Micaiah Ragins, Compliance Coordinator

Date: October 16, 2017

Re: Request for Review from a candidate for the Whatcom Fire Protection District 21 Fire Commissioner, Reid Campion, PDC Case 22599

Agenda Item

On August 23, 2017, Reid Campion, a candidate for Fire Commissioner of Whatcom Fire Protection District 21, was found in violation of RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report), and RCW 42.17A.205 by failing to timely file a Candidate Registration (C-1 report), due to be filed within two weeks of becoming a candidate, or no later than June 2, 2017. At that hearing, the Presiding Officer assessed a \$500 penalty, which Reid Campion requests be reviewed by the full Public Disclosure Commission.

Background

- Reid Campion is a first-time candidate for Fire Commissioner of the Whatcom Fire Protection District 21.
- As a candidate for election, Campion was required to file both a Personal Financial Affairs Statement (F-1 report) disclosing financial activities for the preceding twelve months, and a Candidate Registration (C-1 report), within two weeks of becoming a candidate, or not later than June 2, 2017.
- On August 23, 2017, a Brief Enforcement Hearing was held in which the Presiding Officer found Reid Campion in violation of RCW 42.17A.700 for failing to timely file an F-1 report, and RCW 42.17A.205, for failing to timely file a C-1 report. The Presiding Officer assessed a \$500 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.
- The initial Order was entered September 5, 2017.

Request for Review/Reconsideration

- On September 27, 2017, PDC Staff received a phone call from Reid Campion requesting a review of the initial order and a waiver of the \$500 penalty in PDC Case 22599, on the basis

that he attempted to file both the C-1 and F-1 reports through email prior to the hearing date and did not understand that fax or email was not approved for filing purposes.

- Reid Campion emailed the C-1 and F-1 reports on July 27, 2017, before the August 2, 2017 hearing notice was sent out, and before the August 23, 2017 brief hearing was held. He stated that he thought it was acceptable to email the missing reports. Mr. Campion also stated over the phone that the \$500 penalty would cause an undue financial hardship for him and his family as a single father with four children. He stated that he works as a carpenter in a secluded area, and filing electronically has been an obstacle for him due to limited fiber optic lines and related internet connectivity issues.
- There is no record in which PDC staff advised Reid Campion that it was acceptable to submit the reports by email or by fax without filing electronically or through postal mail. There is only email correspondence showing Reid Campion being informed by PDC Staff to send the documents through postal mail or by filing electronically.
- The missing C-1 and F-1 reports have not been received through an approved filing method as of the date of this memorandum. On October 16, 2017, after an additional reminder from PDC staff, Mr. Reid Campion agreed to send the C-1 and F-1 reports by postal mail delivery.

Staff Recommendation/Comments

- PDC Staff recommends that the Commission suspend the \$500 penalty if both the C-1 and F-1 reports have been properly filed prior to the October 26, 2017 Commission meeting. The basis for this recommendation is that Reid Campion had attempted to file the missing reports with the PDC through email, but has demonstrated a genuine misunderstanding of the process for filing C-1 and F-1 reports; he may also have technological obstacles in his location with filing electronically. This recommendation also considers the concern that Mr. Campion has expressed over the phone and in his reconsideration letter about the financial hardship that may result from a \$500 fine.

Attachments:

Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case 22599)

My Name is ; Reid Campion.

I am running for Fire Commissioner
in area 21! I am a Single dad

With a job; 50 hours a week!

Money is tight and you want to
Charge me \$500 for a job that doesn't

pay that much in a month! I was

told to fax my information in

and now I'm being punished for
doing what I was told! Please

accept my appeal and fix your
broken system!

Reid Campion



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September 5, 2017

Reid Campion
4070 Fishermans Bend Lane
Blaine WA 98230

Subject: PDC Order, Case 22599

Dear Reid Campion:

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 \$500 in accordance with WAC 390-37-143, payable within 30 days of the date of the Order.

The \$500 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 C-1 report for the 2017 election cycle and the F-1 report disclosing the previous twelve months. 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

Reid Campion
4070 Fishermans Bend Lane
Blaine WA 98230

In Re: Compliance with RCW 42.17A

Reid Campion

Respondent.

PDC Case 22599

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 Candidate Registration (C-1 report) and 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 campaign information and financial activities for the previous 12 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 Reid Campion on August 3, 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 Whatcom Fire Protection District 21.
2. As a candidate for election, the Respondent was required to file both a C-1 and F-1 report within two weeks of declaring candidacy or no later than June 2, 2017.
3. The Respondent did not file the missing C-1 and F-1 reports 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.205 and RCW 42.17A.700 by failing to file the C-1 and F-1 report within two weeks of declaring candidacy or by 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 \$500, in accordance with the C-1 and 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 \$500 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 C-1 report and 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 \$500 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 Lavallec
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

September 5, 2017
Date

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.