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

September 5, 2017

Kelly Fox
PO Box 40916
Olympia WA 98504-0916

Subject: PDC Order, Case 22243

Dear Kelly Fox:

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, of which $50 is suspended. The non-suspended $200 penalty is payable within 30 days of the date of this Order.

The $200 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 sent the payment to the PDC offices. Thank you for your prompt attention to this matter, and please file the missing F-1 report for CY 2016. If you have questions, please contact me by email at fox.blackhorn@pdc.wa.gov.

Sincerely,

Fox Blackhorn
Compliance Coordinator

Enclosure

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Kelly Fox
PO Box 40916
Olympia WA 98504-0916

In Re: Compliance with RCW 42.17A Kelly Fox Respondent.	PDC Case 22243 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 an incumbent official, which was due to be filed not later than April 17, 2017, disclosing financial activities for calendar year 2016.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Kelly Fox on July 19, 2017. Commission Chair Anne Levinson was the Presiding Officer. The Commission staff was represented by Fox Blackhorn, 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 an incumbent Board Member for the Washington State Investment Board.

2. As an incumbent Board Member, the Respondent was required to file an F-1 report no later than April 17, 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 by April 17, 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. **Respondent pays 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 for calendar years 2016 within 30 days of the date of the Order.**

4. **Respondent commits no further violations of Chapter 42.17A RCW or Title 390 WAC for a period of four years following 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 Lavallee
Executive Director

I, Fox Blackhorn, 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.