



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](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

**Memorandum**

To: Public Disclosure Commission

From: Fox Blackhorn, Compliance Coordinator

Date: September 18, 2017

Subject: Lloyd Caton Enforcement Hearing Memorandum: PDC Case 22224

**Allegations:**

PDC staff alleges that Lloyd Caton, an incumbent School Director for Tonasket School District 404, violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) for calendar year 2016, due not later than April 17, 2017.

**Background and Prior Violations:**

- Lloyd Caton was elected School Director for the Tonasket School District in 2005.

**First Violation (PDC Case 13-231):**

- On July 31, 2013, Mr. Caton filed an F-1 report for calendar year 2012, which was due no later than April 15, 2013.
- At an August 1, 2013 Brief Adjudicative Proceeding (Brief Enforcement Hearing), Mr. Caton was found in violation of RCW 42.17A.700 for failing to timely file an F-1 report as a candidate, which was due within two weeks of declaring his candidacy, or no later than May 31, 2013, and assessed a \$100 penalty
- Per RCW 42.17A.700, only one F-1 report must be filed each calendar year. Mr. Caton's name was inadvertently omitted from the Annual F-1 enforcement, which had an earlier timeliness requirement.

**Second Violation (PDC Case 14-127):**

- On July 1, 2014, Mr. Caton filed an annual F-1 report for calendar year 2013, which was due no later than April 15, 2014.

- Mr. Caton completed a Statement of Understanding (SOU) acknowledging a violation of RCW 42.17A.700 and paid a \$100 penalty for failing to timely file an annual F-1 report in 2014, for calendar year 2013.

Third Violation (PDC Case 16-009):

- Mr. Caton failed to file an annual F-1 report for calendar year 2014, which was due no later than April 15, 2015.
- At a July 30, 2015 Brief Enforcement Hearing, Mr. Caton was found in violation of RCW 42.17A.700 for failing to timely file an F-1 report as an elected School Director for calendar year 2014.
- Mr. Caton was assessed a \$500 penalty with \$100 of the penalty suspended on the conditions he files the missing F-1 report within 30 days of the date of the Order, and pays the \$400 non-suspended portion of the penalty.
- To comply with the conditions of the Order, Mr. Caton was required to pay the \$400 non-suspended portion of the penalty and file the missing F-1 report by September 1, 2015.
- On October 21, 2016, Mr. Caton filed an F-1 report for calendar year 2014.
- On October 25, 2016, Mr. Caton paid \$400 of the \$500 penalty assessed against him in PDC Case 16-009.
- Since Mr. Caton failed to comply with the conditions of the Order concerning the \$100 suspended portion of the penalty, the \$100 was reinstated on September 12, 2015.
- Because it remained unpaid, the \$100 outstanding reinstated penalty was sent to AllianceOne for collections on July 20, 2017.

F-1 report for CY 2015

- On October 21, 2016, Mr. Caton filed an F-1 report for calendar year 2015. The F-1 report was due no later than April 15, 2016.
- While Mr. Caton failed to timely file an annual F-1 report for calendar year 2015, he filed the missing F-1 report prior to Brief Enforcement hearing notices being sent out on December 1, 2016, so he was not schedule for a hearing.

**2017 F-1 Reporting Requirement for calendar year 2016:**

- As an incumbent School Director, Mr. Caton was required to file an F-1 report no later than April 17, 2017, disclosing personal financial information for calendar year 2016.
- On July 19, 2017, Mr. Caton was sent a hearing notice for PDC Case No. 22224 informing him that an August 23, 2017, Brief Enforcement Hearing had been scheduled for failing to file an F-1 report. Mr. Caton failed to respond to the hearing notice.

- At the August 23, 2017 Brief Enforcement Hearing, PDC staff informed the Presiding Officer that Mr. Caton was not eligible for a Brief Enforcement Hearing since if found in violation, this would be his fourth occasion or violation in the last five years, and that this case would be referred to the full Commission for a future hearing date.
- On September 15, 2017, Mr. Caton was sent a hearing notice for an Enforcement Hearing before the Full Commission scheduled for September 28, 2017.
- As of the date of the hearing notice, Mr. Caton had not filed the F-1 report for calendar year 2016.

**Staff Recommendation:**

Staff recommends the Commission find that Lloyd Caton violated 42.17A.700 by failing to file an F-1 report for calendar year 2016, and:

1. Assess Mr. Caton a \$1,000 civil penalty, which is payable within 30 days of the date of the Order.
2. Require Lloyd Caton to “cease and desist” from failing to file his required PDC reports in accordance with RCW 42.17A.755(4); and to file the missing F-1 report for calendar year 2016 within 30 days of the date of the Order.
3. Contact the legal counsel for the Tonasket School District to remind Lloyd Caton and other school directors about the F-1 filing requirement.

Attachments:

- September 15, 2017 Enforcement Hearing notice for the missing F-1 report.
- Statement of Understanding and Order for Lloyd Caton in PDC Case 13-231.
- Statement of Understanding for Lloyd Caton in PDC Case 14-127.
- Order for Lloyd Caton in PDC Case 16-009.
- WAC 390-37-143: Penalty schedule.



**State of Washington**

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September 15, 2017

Lloyd Caton  
PO Box 742  
Tonasket, WA 98855-0742

Subject: F-1 Enforcement Hearing Notice, PDC Case 22183

Mr. Caton:

Public Disclosure Commission (PDC) records indicate that you served as an elected or appointed official during calendar year 2016; officials in these positions are required to file an annual Personal Financial Affairs Statement (F-1 report). The F-1 report discloses your financial activities for calendar year 2016, and was required to have been filed no later than April 17, 2017.

On June 19, 2017, PDC staff sent you an F-1 warning letter along with a blank copy of the F-1 report for you to complete and file, to avoid a future enforcement hearing. To date, the missing F-1 report for calendar year 2016 has not been filed.

On July 19, 2017, PDC staff sent you a hearing notice, scheduling you for a Brief Adjudicative Proceeding (Brief Enforcement Hearing) on August 23, 2017. However, after reviewing your filings prior to the August hearing date, staff determined you were not eligible for a Brief Enforcement hearing under the provisions of WAC 390-37-143.

Therefore, in accordance with RCW 42.17A.110 and RCW 42.17A.755, an Enforcement Hearing before the Full Commission has been scheduled to determine if you violated RCW 42.17A.700 by failing to file the required F-1 report for calendar year 2016.

**Enforcement Hearing Information**

Date and time: **Thursday, September 28, 2017 at 10:05 a.m. (approximate time)**  
Place: Evergreen Plaza Building, Room 206  
711 Capitol Way, Olympia, WA, 98504-0908  
Presiding Officer: Anne Levinson, Chair, Public Disclosure Commission

If you do not plan to be present at the hearing, you may submit evidence in your own behalf or in mitigation no later than noon on Tuesday, September 26, 2017 for distribution to Commission members.

You may do so by writing to the Chair, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, or by email at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov). Materials received after the Commission mailing on September 21, 2017, and before the hearing will be given to Commission members at the hearing.

If a hearing proceeds and you fail to attend or provide information on your own behalf, you may be in default and the Commission may assess appropriate penalties. The Commission has the authority to assess a penalty of up to \$10,000, or they can find apparent violations and refer the matter to the Attorney General for higher penalties.

You are not required by law to personally attend. However, the Public Disclosure Commission recommends that respondents personally appear whenever possible. PDC staff will present this matter to the Commission.

If you have questions regarding this matter, please contact PDC staff member Fox Blackhorn at (360) 753-1980 or by e-mail at [fox.blackhorn@pdc.wa.gov](mailto:fox.blackhorn@pdc.wa.gov).

Sincerely,



Peter Lavalley  
Executive Director



**Public Disclosure Commission**  
Shining Light on Washington Politics Since 1972

Case# 13-231

RECEIVED

JUL 31 2013

**PDC Statement of Understanding  
2013 Candidate F-1 Report**

Public Disclosure Commission

• Check #5261  
• \$100.00  
• F1 RCD

I hereby acknowledge that I, Lloyd E Carter Jr.,  
(Printed Name of Respondent)

timely file the Personal Financial Affairs Statement (F-1 Report) that was due within two weeks of my becoming a candidate, or no later than May 31, 2013, a violation of RCW 42.17A.700.

I want to avoid the time and expense resulting from a brief enforcement hearing before the Commission. Therefore, I am filing the F-1 report, completing the Statement of Understanding, and enclosing a check or money order in the amount of \$100, in lieu of a hearing being held.

I understand that this will resolve all issues regarding my failure to timely file the F-1 report, provided that a check or money order for \$100, the completed F-1 report, and this signed Statement of Understanding are all received by Tuesday, July 30, 2013.

I further understand that the Commission will not hold a hearing regarding my obligation to timely file the F-1 report that was due as described above.

Lloyd E Carter Jr.  
Signature of Respondent/Candidate

7/24/13  
Date Signed

Be sure to include your F-1 report, and make your check or money order payable to "Washington State Treasurer." Mail or deliver this Statement of Understanding, your completed F-1 report, and your payment to:

**Public Disclosure Commission  
711 Capitol Way, Room 206  
P.O. Box 40908  
Olympia, WA, 98504-0908**



STATE OF WASHINGTON  
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August 13, 2013

Lloyd Caton  
PO Box 742  
Tonasket WA 98855

Subject: PDC Case No. 13-231

Dear Mr. Caton:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

The Presiding Officer assessed a civil penalty of \$100 in accordance with the penalty schedule set forth in WAC 390-37-165. Payment is due within 30 days and your check or money order should be payable to the **WA State Treasurer**. Please mail the penalty payment to the Public Disclosure Commission. Thank you for your attention to this matter.

If you have questions, please contact me at (360) 664-8854; toll free at (877) 601-2828 or by email at [kurt.young@pdc.wa.gov](mailto:kurt.young@pdc.wa.gov).

Sincerely,

A handwritten signature in black ink that reads "Kurt Young".

Kurt Young  
Compliance Officer

Enclosure





STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

Lloyd Caton  
PO Box 742  
Tonasket WA 98855

In Re Compliance with RCW 42.17A

Lloyd Caton

Respondent.

PDC Case No. 13-231

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

A brief enforcement hearing (brief adjudicative proceeding) was held August 1, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) covering the 12 months preceding the date the Respondent became a candidate for election in 2013.

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 Lloyd Caton on July 18, 2013. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate at 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 School Director in the Tonasket School District in 2013.
2. As a candidate, the Respondent was required to file an F-1 report within two weeks of the date the Respondent filed a declaration of candidacy, or no later than May 31, 2013.
3. The Respondent filed the missing F-1 report on July 22, 2013, 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 timely file the F-1 report, which was due to be filed no later than May 31, 2013.

ORDER

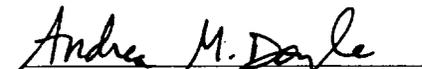
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED** that the Respondent is assessed a civil penalty of \$100 in accordance with the penalty schedule set forth in WAC 390-37-165, that is payable within 30 days of the date of this order.

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

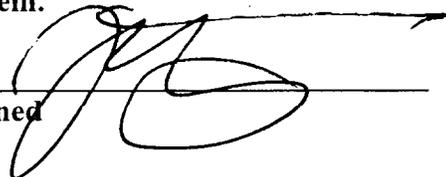
Entered this 13<sup>th</sup> day of August, 2013.

Public Disclosure Commission

  
Andrea McNamara Doyle  
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Berkeley, certify that I mailed a copy of this order to the Respondent(s) at his/her/its respective address, postage pre-paid, on the date stated herein.

  
Signed

8/13/13  
Date

RECEIVED

JUL -2 2014

Public Disclosure Commission

F-1 RCVD

COPY

FOR PDC USE ONLY	
PDC Case No.	14-127
Check No.	5353
Penalty Amount Paid	100.00

**PDC Statement of Understanding  
2014 Annual F-1 Report**

I hereby acknowledge that I, Lloyd Caton Jr, did not  
(Printed Name of Respondent)

timely file the Annual Personal Financial Affairs Statement (F-1 Report) that was due no later than April 15, 2014, a violation of RCW 42.17A.700.

I want to avoid the time and expense resulting from a brief enforcement hearing before the Commission. Therefore, I am filing the F-1 report, completing the Statement of Understanding, and enclosing a check or money order in the amount of \$100, in lieu of a hearing being held.

I understand that this will resolve all issues regarding my failure to timely file the F-1 report, provided that a check or money order for \$100, the completed F-1 report, and this signed Statement of Understanding are all received prior to your scheduled brief enforcement hearing.

I further understand that the Commission will not hold a hearing regarding my obligation to timely file the F-1 report that was due as described above.

Lloyd Caton Jr  
Signature of Respondent/Candidate

7/1/14  
Date Signed

Be sure to include your F-1 report, and make your check or money order payable to "Washington State Treasurer." Mail or deliver this Statement of Understanding, your completed F-1 report, and your payment to:

Public Disclosure Commission  
711 Capitol Way, Room 206  
P.O. Box 40908  
Olympia, WA, 98504-0908



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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August 12, 2015

Lloyd Caton  
PO Box 742  
Tonasket WA 98855-0742

Subject: PDC Case No. 16-009

Dear Mr. Caton:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. The Presiding Officer assessed a civil penalty of \$500 based on WAC 390-37-160 for a filer with two prior violations that failed to file the missing Personal Financial Affairs Statement (F-1 report), of which \$100 is suspended on the condition that you:

- (1) File the missing F-1 report within 30 days;
- (2) Pay the \$400 non-suspended portion of the penalty within 30 days of the date of the Order.

Please submit the \$400 non-suspended portion of the penalty to the Public Disclosure Commission and file the missing F-1 report by September 11, 2015. The check or money order is payable to the WA State Treasurer. In addition, you need to file the missing F-1 report within 30 days. If you fail to comply with any of the conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

If you need assistance in filing the missing F-1 report, please contact PDC staff member Chip Beatty. Thank you for your prompt attention to this matter. If you have any questions, please contact me at (360) 664-8854; or by email at [kurt.young@pdcc.wa.gov](mailto:kurt.young@pdcc.wa.gov).

Sincerely,

Kurt Young  
Compliance Officer

Enclosure



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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

Lloyd Caton  
PO Box 742  
Tonasket WA 98855-0742

In Re Compliance with RCW 42.17A

Lloyd Caton

Respondent.

PDC Case No. 16-009

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

A brief enforcement hearing (brief adjudicative proceeding) was held July 30, 2015, 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) due April 15, 2015, disclosing financial information for calendar year 2014.

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 Lloyd Caton on July 1, 2015. Commission Chair Katrina Asay was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate at the hearing or submit any written materials.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent was a School Director for the Tonasket School District No. 404 in 2014.
2. As an incumbent School Director, the Respondent was required to file an F-1 report no later than April 15, 2015.
3. The Respondent did not file the missing F-1 report by the date of the hearing.
4. The Respondent has two prior violations: PDC Case No. 14-127; and PDC Case No. 13-231.

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 15, 2015.

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 penalty schedule set forth in WAC 390-37-160, of which \$100 of the penalty is suspended on the following conditions:**

- (1) Respondent files the missing F-1 report within 30 days of the date of the Order;**
- (2) Respondent pays the \$400 non-suspended portion of the penalty within 30 days of the date of the Order.**

This is an **Initial Order** of the Public Disclosure Commission. If the Respondent fails to comply with any of the conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

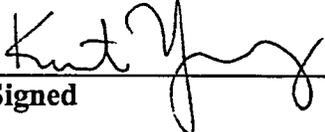
Entered this 12 day of August, 2015.

Public Disclosure Commission

  
\_\_\_\_\_  
Frederick C. Kiga  
Executive Director

Enclosure: Information about Appeal Rights

I, Kurt Young, certify that I mailed a copy of this order to the Respondent(s) at his/her/its respective address, postage pre-paid, on the date stated herein.

  
\_\_\_\_\_  
Signed

8/12/2015  
\_\_\_\_\_  
Date

**Brief enforcement hearings (adjudicative proceeding)—Penalty schedule.**

The presiding officer may assess a penalty up to one thousand dollars upon finding a violation of chapter [42.17A RCW](#) or Title 390 WAC.

(1) Base penalty amounts:

<b>Violation</b>	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Failure to timely file an accurate and complete statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Candidate's failure to timely file an accurate and complete registration statement (C-1)/statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150 per report	\$150 - \$300 per report	\$300 - \$600 per report up to \$1,000
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150 per report	\$300 per report	\$600 per report up to \$1,000
Failed to file report by date of enforcement hearing.	\$250 per report	\$500 per report	consideration by full commission
Failure to timely file an accurate and complete lobbyist monthly expense report (L-2):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Failure to timely file an accurate and complete lobbyist employer report (L-3):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing	\$0 - \$150	\$150 - \$300	\$300 - \$600

<b>Violation</b>	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
to explain mitigating circumstances. Did not enter into statement of understanding.			
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Failure to timely file accurate and complete disclosure reports:			
Political committee registration (C-1pc).	\$150	\$300	\$600
Statement of contributions deposit (C-3).	\$150	\$300	\$600
Summary of total contributions and expenditures (C-4).	\$150	\$300	\$600
Independent expenditures and electioneering communications (C-6).	\$150	\$300	\$600
Last minute contribution report (LMC).	\$150	\$300	\$600
Out-of-state committee report (C-5).	\$150	\$300	\$600
Annual report of major contributors (C-7).	\$150	\$300	\$600
Failure to timely file accurate and complete reports disclosing lobbying activities:			
Lobbyist registration (L-1).	\$150	\$300	\$600
Public agency lobbying report (L-5).	\$150	\$300	\$600
Grass roots lobbying report (L-6).	\$150	\$300	\$600
Failure to file electronically.	\$350	\$650	\$1,000
Exceeding contribution limits.	\$150	\$300	\$600
Exceeding mini reporting threshold.	\$150	\$300	\$600
Failure to comply with political advertising sponsor identification requirements.	\$150	\$300	\$600
Failure to include required candidate's party preference in political advertising.	\$150	\$300	\$600
Failure to comply with other political advertising requirements, RCW <a href="#">42.17A.330</a> through <a href="#">42.17A.345</a> .	\$150	\$300	\$600
Use of public facilities to assist a campaign for election or promote a ballot measure.	\$150	\$300	\$600

"Occasion" means established violation. Only violations in the last five years will be considered for the purpose of determining second and third occasions.

(2) In determining the appropriate penalty, the presiding officer may consider the nature of the violation and aggravating and mitigating factors, including:

(a) Whether the respondent is a first-time filer;

(b) The respondent's compliance history for the last five years, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of

violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(c) The respondent's unpaid penalties from a previous enforcement action;

(d) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period, or otherwise had a significant or material impact on the public;

(e) The amount of financial activity by the respondent during the statement period or election cycle;

(f) Whether the late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(g) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention;

(h) Good faith efforts to comply, including consultation with commission staff prior to initiation of enforcement action and cooperation with commission staff during enforcement action, and a demonstrated wish to acknowledge and take responsibility for the violation;

(i) Personal emergency or illness of the respondent or member of his or her immediate family;

(j) Other emergencies such as fire, flood, or utility failure preventing filing;

(k) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization;

(l) Commission staff, third-party vendor, or equipment error, including technical problems at the agency preventing or delaying electronic filing.

(3) The presiding officer has authority to suspend all or a portion of an assessed penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of the entry of the order in that case.

(4) If, on the third occasion, a respondent has outstanding penalties or judgments, the matter will be directed to the full commission for consideration.

(5) The presiding officer may direct a matter to the full commission if the officer believes one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission. Cases will automatically be scheduled before the full commission for an enforcement action when the respondent:

(a) Was found in violation during a previous reporting period;

(b) The violation remains in effect following any appeals; and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW [42.17A.110](#). WSR 17-03-004, § 390-37-143, filed 1/4/17, effective 2/4/17.]