



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: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

Memorandum

To: Public Disclosure Commission

From: Fox Blackhorn, Compliance Coordinator

Date: September 18, 2017

Subject: Monte St. Johns Enforcement Hearing Memorandum: PDC Case 22183

Allegations:

PDC staff alleges that Monte St. Johns, an incumbent School Director for Dieringer School District 343, 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:

- Monte St. Johns was a first-time candidate for School Director for the Dieringer School District 343 in 2013. As a candidate, Mr. St. Johns was required to file a Candidate Registration (C-1 report) and F-1 report within two weeks of declaring his candidacy or no later than May 31, 2013. He was elected School Director in the 2013 general election.

First Violation (PDC Case 13-231):

- At an August 1, 2013 Brief Adjudicative Proceeding (Brief Enforcement Hearing), Mr. St. Johns was found in violation of RCW 42.17A.205 for failing to file a C-1 report, and RCW 42.17A.700 for failing to 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. Mr. St. Johns was assessed a \$300 penalty, \$150 for each missing report in accordance with WAC 390-37-165.
- On October 3, 2013, Mr. St. Johns filed the missing C-1 and F-1 reports.
- Because it remained unpaid, the \$300 outstanding penalty was sent to AllianceOne for collections in May of 2014.

Second Violation (PDC Case 14-106):

- Mr. St. Johns failed to file an annual F-1 report for calendar year 2013, which was due no later than April 15, 2014.
- At a June 10, 2014 Brief Enforcement Hearing, Mr. St. Johns 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. St. Johns was assessed a \$300 penalty in accordance with WAC 390-37-160 which was payable within 30 days of the date of the Order.
- Because it remained unpaid, the \$300 penalty was sent to AllianceOne for collections in June of 2015.

Third Violation (PDC Cases 16-060 & 16-156):

- As an incumbent official, Mr. St. Johns failed to file an annual F-1 report for calendar year 2014, which was due no later than April 15, 2015.
- As a candidate in 2015, Mr. St. Johns failed to file a C-1 report which was due within two weeks of declaring his candidacy for re-election as School Director, or no later than May 31, 2015.
- At the October 22, 2015 Commission Meeting, Mr. St. Johns was found in violation by the Full Commission of: (1) RCW 42.17A.700 for failing to file an F-1 report as an elected School Director for calendar year 2014; and (2) RCW 42.17A.205 for failing to file a C-1 report which was due within two weeks of declaring his candidacy for re-election in 2015.
- Mr. St. Johns was assessed a \$1000 penalty, \$500 for the missing C-1 report and \$500 for the missing F-1 report, which was payable within 30 days from the date of the Order and to file the missing C-1 and F-1 reports within 30 days as well.
- On December 17, 2015, Mr. St. Johns filed the missing F-1 report for calendar year 2014, and the missing C-1 report as a candidate in 2015.
- Mr. St. Johns paid \$500 of the penalty on December 17, 2015, and the remaining \$500 on January 15, 2016.
- On March 30, 2016, Mr. St. Johns timely filed an annual F-1 report in 2016, for calendar year 2015.

2017 F-1 Reporting Requirement for calendar year 2016:

- As an incumbent School Director, Mr. St. Johns 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. St. Johns was sent a hearing notice for PDC Case No. 22183 informing him that an August 23, 2017, Brief Enforcement Hearing had been scheduled for failing to file an F-1 report. Mr. St. Johns failed to appear or submit a response to the hearing notice.
- At the August 23, 2017 Brief Enforcement Hearing, PDC staff informed the Presiding Officer that Mr. St. Johns 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. St. Johns 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. St. Johns had not filed the F-1 report for calendar year 2016.

Staff Recommendation:

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

1. Assess Mr. St. Johns a \$1,000 civil penalty, which is payable within 30 days of the date of the Order.
2. Require Monte St. Johns 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 of the Dieringer School District to remind Monte St. Johns and other school directors about the F-1 filing requirement.

Attachments:

- September 12, 2017 Enforcement Hearing notice for the missing F-1 report.
- Order for Monte St. Johns in PDC Case 13-148.
- Order for Monte St. Johns in PDC Case 14-106.
- Order for Monte St. Johns in PDC Cases 16-060 & 16-156.
- WAC 390-37-143: Penalty schedule.



State of Washington

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

September 15, 2017

Sent electronically to Monte St. Johns at "mstjohns912@gmail.com"

Monte St. Johns
2510 Tacoma Point Drive East
Lake Tapps, WA 98391

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

Mr. St. Johns:

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 in order 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 pdcc@pdcc.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@pdcc.wa.gov.

Sincerely,



Peter Lavalley
Executive Director



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August 15, 2013

Monte St Johns
2510 Tacoma Point Drive E
Lake Tapps WA 98391

Subject: PDC Case No. 13-148

Dear Mr. St Johns:

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 \$300 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 made payable to the WA State Treasurer. Please mail the penalty payment to the Public Disclosure Commission along with the missing C-1 and F-1 reports. 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@pdcc.wa.gov.

Sincerely,


Kurt Young
Compliance Officer

Enclosure





STATE OF WASHINGTON

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Monte St Johns
2510 Tacoma Point Drive E
Lake Tapps WA 98391

In Re Compliance with RCW 42.17A

Monte St Johns

Respondent.

PDC Case No. 13-148

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: (1) RCW 42.17A.205 by failing to file the Candidate Registration (C-1 report), which was due to be filed within two weeks of the Respondent declaring his candidacy; and (2) RCW 42.17A.700 by failing to 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 Monte St Johns 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 Dieringer School District in 2013.
2. As a candidate, the Respondent was required to file an F-1 report and C-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 had not filed the missing C-1 and F-1 reports by 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 by failing to file the C-1 report, and RCW 42.17A.700 by failing to file the F-1 report, due no later than May 31, 2013.

ORDER

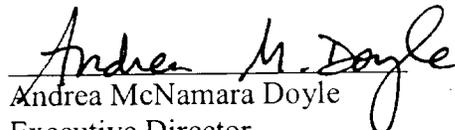
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$300 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 16 day of August, 2013.

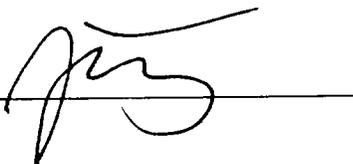
Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Berkman, 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



Date

8/19/13



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

July 24, 2014

MONTE ST JOHNS
2510 TACOMA POINT DRIVE EAST
LAKE TAPPS WA 98391

Subject: PDC Case 14-106

Dear MONTE ST JOHNS:

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

Please review the attached Order. Penalties and other documents are generally due within 30 days. All penalty checks are payable to the Washington State Treasurer and mailed to the PDC office in Olympia.

If you have questions, please contact me at (360) 586-4555; toll free at (877) 601-2828 or by email at jacob.berkey@pdc.wa.gov.

Sincerely,

Jacob T Berkey
Compliance Officer

Enclosure



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Monte St Johns
2510 Tacoma Point Dr E
Lake Tapps WA 98391

In Re Compliance with RCW 42.17A

Monte St Johns

Respondent.

PDC Case No. 14-106

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

A brief enforcement hearing (brief adjudicative proceeding) was held July 8, 2014, 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, 2014, disclosing financial information for calendar year 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 Monte St Johns on June 10, 2014. Commission Member Amit Ranade was the Presiding Officer. The Commission staff was represented by Jacob Berkey, Compliance Coordinator. The Respondent did not participate at the hearing.

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

FINDINGS OF FACT

1. The Respondent was an incumbent School Director for Dieringer School District 343 in 2013.
2. As a School director, the Respondent was required to file an F-1 report no later than April 15, 2014.
3. The Respondent did not file the missing F-1 report by the date of the hearing.
4. The Respondent has one prior violation, PDC Case No. 13-148.

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, 2014.

ORDER

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

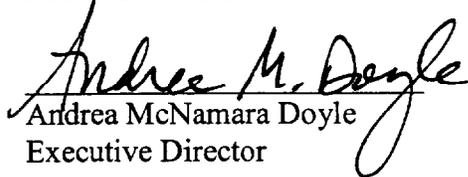
IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$300 in accordance with the penalty schedule set forth in WAC 390-37-160. The penalty is payable within 30 days of the date of this Order.

If the Respondent fails to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

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

Entered this 24 day of July, 2014.

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

7/24/14
Date



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

November 6, 2015

DIERINGER SCHOOL DISTRICT OFFICE
ATTN LEGAL COUNSEL
1320 178TH AVE E
LAKE TAPPS WA 98391

Subject: Monte St. Johns, PDC Case Nos. 16-060, 16-156

Dear Sir or Madam:

On October 22, 2015, the Washington State Public Disclosure Commission (PDC) held a hearing concerning the allegation that Monte St. Johns, a Dieringer School District director, failed to file reports required as a 2015 candidate for re-election to his office. Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case Nos. 16-060 and 16-156. The Order assesses a civil penalty of \$1,000 against Mr. St. Johns, \$500 for the missing C-1 Candidate Registration and \$500 for the missing F-1 Personal Financial Affairs Statement.

Under state law, Dieringer School District facilities may not be used to assist a candidate's campaign for office, including to assist the candidate with filing required campaign disclosure statements. However, the F-1 Personal Financial Affairs Statement is also an annual filing requirement for elected and appointed officials, due each April 15th for the previous calendar year. At the request of the Public Disclosure Commission, PDC staff is alerting you to the enforcement action against Mr. St. Johns, and offering any help necessary to assist Mr. Johns and other district officials in complying with their disclosure requirements as elected school directors.

If you have questions, please contact me at (360) 586-1042; toll free at (877) 601-2828 or by email at tony.perkins@pdc.wa.gov.

Sincerely,

Tony Perkins
Acting Director of Compliance

Enclosure: Final Order in Case Nos. 16-060, 16-156



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November 6, 2015

MONTE ST. JOHNS
2510 TACOMA POINT DRIVE EAST
LAKE TAPPS WA 98391

Subject: Final Order, Monte St. Johns, PDC Case Nos. 16-060, 16-156

Dear Mr. St. Johns:

Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case Nos. 16-060, 16-156. The Order assesses a civil penalty of \$1,000 against you, \$500 for the missing C-1 Candidate Registration and \$500 for the missing F-1 Personal Financial Affairs Statement. Both reports were required from you as a 2015 candidate for re-election to the Dieringer School Board.

Under the terms of the Order, you are required to pay the \$1,000 penalty and file the missing C-1 and F-1 reports within 30 days of the date of the Order. The penalty payment should be made payable to "WA STATE TREASURER" and should reference PDC Case Nos. 16-060, 16-156.

If you have questions or require reporting materials, please contact me at (360) 586-1042; toll free at (877) 601-2828 or by email at tony.perkins@pdc.wa.gov.

Sincerely,

Tony Perkins
Acting Director of Compliance

Enclosure: Final Order in Case Nos. 16-060, 16-156
Information about Appeals and Enforcement of Final Orders

cc: Dieringer School District Office Legal Counsel

1 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
2 **OF THE STATE OF WASHINGTON**

3
4 IN RE THE MATTER OF ENFORCEMENT
5 ACTION AGAINST

PDC CASE Nos. 16-060 & 16-156
FINAL ORDER

6
7 Monte St. Johns

8 Respondent.
9

10 This matter was heard by the Washington State Public Disclosure Commission (PDC) on
11 October 22, 2015 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington 98504.
12 The hearing was held pursuant to RCW 34.05, RCW 42.17A, and WAC 390-37. The proceeding
13 was open to the public and recorded.

14 Commissioners Katrina Asay, Chair, Vice-Chair Anne Levinson and Member John
15 Bridges were present. PDC Compliance Officer Kurt Young presented the case on behalf of
16 PDC staff. The Respondent, Monte St. Johns, was provided notice of the hearing but did not
17 attend or participate. The proceedings were open to the public and recorded.

18 **I. PROCEDURAL HISTORY**

19 The Respondent was elected to the Dieringer School Board in 2013 as a first-time
20 candidate. As an incumbent School Board member, the Respondent was required to file a
21 Personal Financial Affairs Statement (F-1 report) no later than April 15, 2015, disclosing
22 personal financial information for calendar year 2014. As a candidate seeking re-election to
23 School Board in 2015, the Respondent was required to file a Candidate Registration (C-1 report),
24 due within two weeks of declaring his candidacy or not later than May 31, 2015.

25 On July 1, 2015, PDC staff sent a hearing notice to the Respondent for failing to file the
26 F-1 report (PDC Case No. 16-060).

1 On July 24, 2015, PDC staff sent a hearing notice to the Respondent for failing to file the
2 C-1 report (PDC Case No. 16-156). Prior to the Brief Enforcement hearings, staff became aware
3 that the Respondent was not eligible for a brief hearing. October 12, 2015, PDC staff sent a
4 hearing notice to the Respondent scheduling the October 22, 2015 enforcement hearing before
5 the full Commission.

6 At the hearing, Mr. Young testified on behalf of PDC staff. Mr. Young also presented
7 to the Commission and summarized his memo dated October 15, 2015, with exhibits. The
8 exhibits included information concerning the Respondent's prior enforcement hearing in which
9 he was found in violation of RCW 42.17A and assessed a \$300 penalty, and subsequently failed
10 to file the report that was the subject of that violation.

11 Having considered the testimony and record, the Commission enters the following
12 Findings of Fact, Conclusions of Law, and Order.

13 **II. FINDINGS OF FACT**

- 14 1. Elected and appointed officials are required to file an annual F-1 report due by April 15th
15 and disclosing financial activities for the previous calendar year.
- 16 2. The Commission did not receive an F-1 report from the Respondent as of April 15, 2015,
17 the date the report was due.
- 18 3. Candidate filing week was May 11-15, 2015 for candidates seeking election in 2015, and
19 the Respondent filed for re-election as a candidate for School Director in the Dieringer
20 School District during filing week.
- 21 4. The Commission did not receive a C-1 report from the Respondent as of May 31, 2014,
22 the date the report was due.
- 23 5. The Respondent is not eligible for a brief enforcement hearing under the provisions of
24 WAC 390-37-160 and 165 since he has not filed the F-1 report that was the subject of
25 the prior violation found in PDC Case No. 14-106.

1 6. The Respondent did not file a C-1 report or an F-1 report as of October 22, 2015, the date
2 of the hearing.

3 7. The Respondent has two prior outstanding penalties totaling \$600 that have been sent to
4 AllianceOne for collection for PDC Case Nos. 14-106 and 13-148.

6 III. CONCLUSIONS OF LAW

7 Based upon the record herein, the Commission unanimously concludes:

8 1. The Commission has jurisdiction to hear this matter under RCW 42.17A and Title 390
9 WAC.

10 2. RCW 42.17A.205 required the Respondent to file a C-1 report within two weeks of
11 becoming a candidate for re-election, or no later than May 31, 2015.

12 3. The Respondent violated RCW 42.17A.205 by failing to file a C-1 report within two
13 weeks of becoming a candidate for re-election in 2015.

14 4. RCW 42.17A.700 required the Respondent to file an F-1 report no later than April 15,
15 2015.

16 5. The Respondent violated RCW 42.17A.700 by failing to file an F-1 report disclosing his
17 financial activities for calendar year 2014.

18 Based upon the findings and conclusions, the Commission orders that:

19 IV. ORDER

20 The Respondent is:

21 1) Assessed a civil penalty of \$1,000, \$500 for the missing C-1 report and \$500 for the
22 missing F-1 report;

23 2) Required to pay the \$1,000 penalty within 30 days of the date of the Order;

24 3) Required to "cease and desist" from failing to file his required PDC reports in
25 accordance with RCW 42.17A.755(4); and

26 4) Required to file the missing C-1 and F-1 report within 30 days of the date of the Order.

1 In addition, the Commission directed staff to contact the Dieringer School District legal
2 counsel to remind the Respondent and other School Board members about the filing
3 requirements.

4 The Executive Director is authorized to enter this order on behalf of the Commission.

5 So ORDERED this 6th day of November, 2015

6 WASHINGTON STATE PUBLIC
7 DISCLOSURE COMMISSION
8 FOR THE COMMISSION:

9 
10 Evelyn Fielding Lopez
PDC Executive Director

11 **ATTACHMENT:** Appeals and Enforcement of Final Orders

12 *Copy of this Final Order to:*

13 Monte St. Johns
14 2510 Tacoma Point Drive East
15 Lake Tapps WA 98391

16 Dieringer School District Office
17 Attn; Legal Counsel
18 1320 178th Ave E
Lake Tapps, WA 98391

19
20 I, Tony Perkins, certify that I mailed a copy of this order to the
21 Respondent/Applicant at his/her respective address postage pre-paid on the date
stated herein.

22 Tony Perkins
23 Signed

24 11/6/15
25 Date
26

INFORMATION ABOUT APPEALS AND ENFORCEMENT OF FINAL ORDERS

APPEALS

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 that 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, 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.)

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.

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:

Violation	1st Occasion	2nd Occasion	3rd Occasion
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

Violation	1st Occasion	2nd Occasion	3rd Occasion
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 42.17A.330 through 42.17A.345 .	\$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.]