



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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdca.wa.gov](http://www.pdca.wa.gov)

November 2, 2018

WARREN SMALL  
5329 ROAD 12.2 SE  
OTHELLO, WA 99344

And delivered electronically to "smallpro@earthlink.net"

Subject: PDC Order, Case 38965

Dear Warren Small,

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. At the October 25, 2018, Enforcement Hearing, the Commission assessed a total civil penalty of \$1,500 in accordance with WAC 390-37-143. The \$1,500 penalty is payable within 30 days of the date of this Order.

The \$1,500 penalty is payable no later than **December 3, 2018**. Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:


**Department of Enterprise Services  
Small Agency Services  
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.

If you have questions, please contact us by email at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

  
Tabatha Blacksmith  
Compliance Coordinator

Enclosure: Initial Order

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

In re the Matter of Enforcement Action  
Against:

WARREN SMALL,

Respondent.

PDC CASE NO. 38965

FINAL ORDER

**I. INTRODUCTION**

This matter was heard by the Washington State Public Disclosure Commission (Commission) on October 25, 2018, at the Public Disclosure Commission Office, 711 Capitol Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to Chapter 34.05 RCW, Chapter 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present were Anne Levinson, Commission Chair (presiding); David Ammons, Commission Vice-Chair; and Commissioner William Downing. Also present were Assistant Attorney General John S. Meader representing the Commission; Tabatha Blacksmith and Fox Blackhorn-Delph, Compliance Coordinators on behalf of PDC Staff; and Assistant Attorney General Chad Standifer representing PDC Staff. Respondent Warren Small did not participate. The proceeding was open to the public and recorded.

The hearing concerned allegations that Respondent Warren Small violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 Report) for

1 calendar year 2017, due not later than April 16, 2018.

2 The Commissioners had before them the following materials:

- 3 • Enforcement Hearing Memorandum dated October 16, 2018, prepared by Tabatha  
4 Blacksmith, Compliance Coordinator.
- 5 • Warning Letter for missing Personal Financial Affairs Statement from PDC staff dated July  
6 16, 2018.
- 7 • Brief Enforcement Hearing Notice dated August 16, 2018, for the hearing on September 24,  
8 2018, including information for submitting a Statement of Understanding by September 19,  
9 2018, and a copy of the Brief Enforcement Hearings penalty schedule.
- 10 • F-1 Enforcement Hearing Notice dated October 15, 2018, indicating the Brief Enforcement  
11 Hearing was converted to an Enforcement Hearing before the full Commission on October  
12 25, 2018.
- 13 • Cover letter and Initial Order Imposing Fine (PDC Case 10083), dated February 7, 2017.
- 14 • Cover letter and Initial Order Imposing Fine (PDC Case 22181), dated September 5, 2017.

## 15 **II. FINDINGS OF FACT**

16 1. Warren Small was elected School Director for the Royal School District 160 in 2013.

17 2. Per RCW 42.17A.700, Mr. Small was required to file a Personal Financial Affairs  
18 Statement (F-1 report) disclosing personal financial information for calendar year 2017 no later  
19 than April 16, 2018.

20 3. From April to June of 2018, PDC staff sent seven email reminders to Mr. Small  
21 concerning the F-1 filing requirement.

22 4. On July 16, 2018 PDC staff sent a warning letter by U.S. Mail, concerning Mr.  
23 Small's failure to file the F-1 report.  
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1           6. On August 16, 2018, PDC staff served Mr. Small by U.S. mail and email, with a  
2 hearing notice for a Brief Adjudicative Proceeding to be held on September 24, 2018,  
3 concerning the failure to timely file the F-1 report.  
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5           7. On September 24, 2018, a Brief Adjudicative Proceeding was held in which the  
6 Presiding Officer determined that, in accordance with WAC 390-37-143(5), Mr. Small's case  
7 needed to be scheduled before the full Commission for an enforcement action as:

- 8           ○ He was found in violation in the previous reporting period;
- 9           ○ The violation remained in effect following any appeals; and
- 10          ○ He had not filed the disclosure form that was the subject of the prior violation.

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12           8. On October 15, 2018, PDC staff served Kevin Small by U.S. mail and email, with a  
13 hearing notice for an Adjudicative Proceeding before the full Public Disclosure Commission, to  
14 be held on October 25, 2018, concerning the failure to timely file the F-1 report.

15           9. As of the date of the Review Hearing, Mr. Small had not filed the missing F-1 report  
16 for calendar year 2017.  
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18           10. Warren Small failed to timely file an F-1 report for calendar year 2015, which was  
19 due no later than April 15, 2016 (PDC Case 10083). At the January 20, 2017, Brief Adjudicative  
20 Proceeding, Mr. Small was found in violation of RCW 42.17A.700 and assessed a \$250 penalty  
21 for failing to timely file an F-1 report, which was due no later than April 15, 2016. As of the  
22 October 24, 2018 hearing, Mr. Small had not paid the \$250 civil penalty for PDC Case 10083  
23 and had not filed the missing F-1 report for calendar year 2015.

24           11. Warren Small failed to timely file an F-1 report for calendar year 2016, which was  
25 due no later than April 15, 2017 (PDC Case 22181). At the August 23, 2017 Brief Adjudicative  
26

1 Proceeding, Mr. Small was found in violation of RCW 42.17A.700 and assessed a \$550 penalty  
2 for failing to timely file an F-1 report, which was due no later than April 15, 2017. Mr. Small  
3 paid the \$550 civil penalty on September 26, 2017. On October 11, 2017, Mr. Small filed the  
4 F-1 report for calendar 2016 that was due April 17, 2017.  
5

#### 6 **IV. CONCLUSIONS OF LAW**

7 1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A  
8 RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative  
9 Procedure Act; and Title 390 WAC.  
10

11 2. Respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs  
12 Statement (F-1 Report) disclosing personal financial information for calendar year 2017 no later  
13 than April 16, 2018.  
14

#### 15 **V. ORDER**

16 Based upon the Findings and Conclusions, the Commission Orders that:

- 17 1. Respondent Warren Small is assessed a total civil penalty of \$1,500 for violation  
18 of RCW 42.17A.700, payable within 30 days of the date of this Order.  
19
- 20 2. Respondent shall also pay all prior PDC civil penalties, file the F-1 reports for  
21 calendar years 2015 and 2017, and remain in compliance with all PDC reporting  
22 requirements.  
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1 So ORDERED this 1st day of November, 2018.

2 WASHINGTON STATE PUBLIC  
3 DISCLOSURE COMMISSION

4 FOR THE COMMISSION:

5 

6 Anne Levinson  
7 Chair, Public Disclosure Commission

8 *Copy of this Order mailed and/or emailed to:*

9 Warren Small, Respondent  
10 5329 Road 12.2 SE  
11 Othello, WA 99344  
12 ([smallpro@earthlink.net](mailto:smallpro@earthlink.net))

13 Phil Stutzman, PDC Staff ([phil.stutzman@pdc.wa.gov](mailto:phil.stutzman@pdc.wa.gov))  
14 Chad Standifer, Assistant Attorney General, Counsel for PDC Staff ([ChadS@atg.wa.gov](mailto:ChadS@atg.wa.gov))

15 I, Tabatha Blacksmith, certify that I mailed and emailed a copy of this order to  
16 the Respondent at their respective address postage pre-paid on the date stated herein.

17 Tabatha Blacksmith  
18 Signed

19 11/2/18  
20 Date

21 **NOTICE: RECONSIDERATION**

22 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for  
23 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon  
24 you. Any Request for reconsideration must state the specific grounds for the relief requested.  
25 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,  
26 711 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.

**NOTICE: PETITION FOR JUDICIAL REVIEW**

You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for  
Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final  
Order must be filed with the court and also served upon both the Commission and the Office of  
the Attorney general within thirty (30) days after the date this Final Order is served upon you.