



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@pdc.wa.gov • Website: www.pdc.wa.gov

October 10, 2017

Port of Walla Walla
Attn: Jared Hawkins
2225 East Isaacs Ave
Walla Walla WA 99362

Subject: Peter Swant; PDC Case Nos. 18104 & 23275

Jared Hawkins:

On September 28, 2017, the Washington State Public Disclosure Commission (PDC) held a hearing concerning the allegation that Peter Swant, a Port Commissioner, failed to timely file the annual Personal Financial Affairs Statement (F-1 report) as required for an incumbent school director for calendar year 2016. In addition, the PDC determined that Mr. Swant failed to accurately and timely report membership on a local board of directors on the supplement to the F-1 report.

Enclosed is a copy of the Public Disclosure Commission's Order for Mr. Swant in PDC Case Nos. 18104 & 23275. The Order assesses a civil penalty of \$1,250 against Mr. Swant for the late F-1 report due April 17, 2017 for calendar year 2016. The F-1 Personal Financial Affairs Statement is an annual filing requirement for elected and appointed officials, due each April 15, to certify for the previous calendar year.

At the request of the Public Disclosure Commission, PDC staff is alerting you to the enforcement action against Mr. Swant, and offering any help necessary to assist Mr. Swant and other port officials in complying with their disclosure requirements as elected officials.

If you have questions, please contact me at (360) 753-1980; toll free at (877) 601-2828 or by email at fox.blackhorn@pdc.wa.gov.

Sincerely,

Fox Blackhorn
Compliance Coordinator

Enclosure: Order in Cases 18104 & 23275



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October 10, 2017

Peter Swant
707 East Tietan
Walla Walla, WA 99362

Subject: PDC Order, Peter Swant; PDC Case Nos. 18104 & 23275

Dear Mr. Swant:

Enclosed is a copy of the Public Disclosure Commission's Order for PDC Case Nos. 18104 & 23275. The Order assesses a civil penalty of \$1,250 against you for the late-filed Personal Financial Affairs Statement (F-1 report) for calendar year 2016, and for failure to timely and accurately disclose officer status as President of the Big Blue Boosters Club on the supplement to the F-1 report. The 2016 F-1 report was required to have been filed by April 17, 2017, as an incumbent Port Commissioner for the Port of Walla Walla.

Under the terms of the Order, you are required to pay the \$1250 penalty, and file the missing supplement to the F-1 report for calendar year 2015, within 30 days of the date of the Order, or not later than **November 9, 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

If you have questions or require reporting materials, please contact me by e-mail at fox.blackhorn@pdc.wa.gov

Sincerely,

Fox Blackhorn
PDC Compliance Coordinator

Enclosures: Order in Case Nos. 18104 & 23275
Information about Appeals and Enforcement of Orders

cc: Port of Walla Walla Legal Counsel

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

9 In re the Matter of Enforcement Action
10 Against:

11 Peter Swant,

Respondent.

PDC CASE NOS. 18104 & 23275

FINAL ORDER

12 **I. INTRODUCTION**

13 This matter was heard by the Washington State Public Disclosure Commission
14 (Commission) on September 28, 2017 at the Public Disclosure Commission Office, 711 Capitol
15 Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to RCW 34.05,
16 RCW 42.17A, and WAC 390-37. The proceeding was open to the public and recorded.

17 Commissioners Anne Levinson, Chair, Katrina Asay, and David Ammons were present.
18 Fox Blackhorn-Delph, Compliance Coordinator, presented the matter on behalf of Public
19 Disclosure Commission Staff (Staff). Chad Standifer, Assistant Attorney General, was also
20 present on behalf of Staff. Also present was Scott Douglas, Assistant Attorney General, on
21 behalf of the Commission. Respondent Peter Swant did not appear.

22 The PDC had before it the following materials:

- 23 • Enforcement Hearing Memorandum prepared by PDC Compliance Coordinator Fox
24 Blackhorn-Delph dated September 18, 2017;
25 • Notice of F-1 Enforcement Hearing for Case No. 18104 and 23275 dated September 15,
26 2017;

- 1 • Letter from Kurt Young, PDC Compliance Officer, to Peter Swant dated August 15, 2013
2 regarding assessment of a \$200 penalty (suspended in full) in PDC Case No. 13-150;
- 3 • Findings of Fact, Conclusions of Law, and Order Imposing Fine in Case No. 13-150
4 dated August 15, 2013, imposing a penalty of \$200 (suspended in full) against Peter Swant for
5 failure to timely file an F-1 report;
- 6 • PDC Statement of Understanding: 2014 Annual F-1 Report signed by Peter Swant on
7 July 7, 2014 in Case No. 14-110, agreeing to pay a penalty of \$100 and file the F-1 report prior
8 to the Brief Enforcement Hearing in case No. 14-110;
- 9 • Statement of Understanding: Late 2014 Annual Personal Affairs (F1) Report signed by
10 Peter Swant on August 3, 2014, with a note that payment of \$100 was included per the agreement
11 signed on July 7, 2014;
- 12 • Letter from Kurt Young, PDC Compliance Officer, to Peter Swant dated March 29, 2017
13 regarding the Commission's Amended Final Order in Case No. 10086, reducing the assessed
14 penalty from \$1000 to \$500;
- 15 • Amended Final Order on Reconsideration dated March 29, 2017 in Case No. 10086,
16 reducing the assessed penalty from \$1000 to \$500.
- 17 • Undated complaint filed with the Commission by Conner Edwards against Peter Swant
18 alleging failure to file an F-1 report for 2016;
- 19 • Spreadsheet entitled "Chronologically sorted documents filed by Peter Swant";
- 20 • Unsigned, undated complaint filed with the Commission against Peter Swant alleging
21 failure to disclose his status as an officer of "Big Blue Boosters Club" on his 2016 F-1
22 supplemental report;
- 23 • Copy of the F-1 report filed on June 1, 2017 by Peter Swant;
- 24 • Washington Secretary of State "corporations database" printout of corporate registration
25 for Big Blue Boosters of Walla Walla;
- 26

- Screen shot of Big Blue Boosters of Walla Walla web page.

The hearing concerned allegations that Respondent 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, and that Respondent violated RCW 42.17A.710(1)(g) by failing to file an F-1 Supplement disclosing his officer status as President of the Big Blue Boosters, a local non-profit entity, in 2016.

After reviewing the record, including the testimony by PDC Staff, the Commission HEREBY ORDERS that the following Findings of Fact, Conclusions of Law, and Final Order of the Commission be entered:

II. FINDINGS OF FACT

1. Respondent Peter Swant was elected Port Commissioner for the Port of Walla Walla in 2013. He continued to serve in that capacity for the duration of 2016, and remains the incumbent in that position.

2. Respondent Peter Swant had previously been found to be in violation of RCW 42.17A.700 by failing to timely file an F-1 report as a candidate in 2013 (Case No. 13-150), for failing to timely file an F-1 report for calendar year 2013 (Case No. 14-110), and for 2014 (Case No. 16-064), and for 2015 (Case No. 10086).

3. As an incumbent School Director, Mr. Swant was required to file an F-1 report no later than April 17, 2017, disclosing personal financial information for calendar year 2016.

4. Mr. Swant filed the F-1 report for 2016 electronically on June 1, 2017.

5. Mr. Swant served as President of Big Blue Boosters of Walla Walla, a non-profit corporation, during 2016.

6. Mr. Swant filed an F-1 supplemental report on September 28, 2017 in which he reported his position as an officer of Big Blue Boosters of Walla Walla.

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III. CONCLUSIONS OF LAW

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

2. RCW 42.17A.700 states in part: "After January 1st and before April 15th of each year, every elected official and every executive state officer shall file with the commission a statement of financial affairs for the preceding calendar year."

3. WAC 390-24-025 states in part: "Any person holding elected public office, except as exempted by the terms of RCW 42.17A.700, ... is required to file the statement of financial affairs if such person holds such public office between January 1 and April 15 of any year. Such report shall be for the preceding calendar year."

4. RCW 42.17A.710(1)(g) states in part: "(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of his or her immediate family: ... (g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office..."

5. Respondent Peter Swant violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) for calendar year 2016.

6. Respondent Peter Swant violated RCW 42.17A.710(1)(g) by failing to timely disclose on his F-1 report his position as President in 2016 of Big Blue Boosters of Walla Walla, a non-profit corporation.

IV. ORDER

Based upon the Findings and Conclusions, the Commission orders that:

1. Respondent Peter Swant is assessed a civil penalty of \$1,200.00, payable within 30 days of the date of this Order.

2. Respondent Peter Swant is, in accordance with RCW 42.17A.755(4), to cease and desist

1 from failing to file his required PDC reports.

2 3. PDC Staff are to contact the legal counsel for the Port of Walla Walla to remind Peter
3 Swant and other Port officials directors about the F-1 filing requirement.

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

5 So ORDERED this 10th day of October, 2017.

6 WASHINGTON STATE PUBLIC
7 DISCLOSURE COMMISSION

8 FOR THE COMMISSION:

9 
10 Peter Lavalley
Executive Director

11 **NOTICE: RECONSIDERATION**

12 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
13 Reconsideration with the PDC within twenty-one (21) days from the date this Final Order is
14 served upon you. Any Request for reconsideration must state the specific grounds for the relief
requested. Petitions must be delivered or mailed to the Washington State Public Disclosure
Commission, 711 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.

15 **NOTICE: PETITION FOR JUDICIAL REVIEW**

16 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
17 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.

18
19 *Copy of this Order mailed and/or emailed to:*

20 Peter Swant, Respondent

21 Phil Stutzman, PDC Staff (phil.stutzman@pdc.wa.gov)

22 I, Phil Stutzman, certify that I mailed a
23 copy of this order to the Respondent/ Applicant at his/her
24 respective address postage pre-paid on the date stated
herein. Phil Stutzman 10/10/17
Signed Date