



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)

February 3, 2017

George Spear  
2728 Malaga Alcoa  
Malaga WA 98828

Subject: PDC Order, Case 10086

Dear Mr. Spear:

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

At the January 20, 2017, Brief Enforcement hearing, the Presiding Officer dismissed the allegation against you based on the mitigating factors you provided in your letter. Thank you for your written participation in the hearing process.

If you have questions, please contact me 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

George Spear  
2728 Malaga Alcoa  
Malaga WA 98828

In Re Compliance with RCW 42.17A

George Spear

Respondent.

PDC Case 10085

Findings of Fact,  
Conclusions of Law

A brief enforcement hearing (brief adjudicative proceeding) was held on January 17, 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 timely file a Personal Financial Affairs Statement (F-1 report) as an incumbent official, which was due to be filed not later than April 15, 2016, disclosing financial activities for calendar year 2015.

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 George Spear on December 1, 2016. Commission Chair Anne Levinson was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate in the hearing, but he submitted a letter to the Presiding Officer along with a completed Statement of Understanding.

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

FINDINGS OF FACT

1. The Respondent is an incumbent Water Commissioner for the Malaga Water District.
2. As an incumbent Water Commissioner, the Respondent was required to file an F-1 report no later than April 15, 2016.
3. The Respondent filed the missing F-1 report on January 9, 2017.
4. The Respondent has no prior PDC violations.

5. The Respondent stated that he spent six months away from his residence traveling in his motor and he did not receive the December 1, 2016 hearing notice, or the July 6, 2016 warning letter, until he returned home from traveling in Arizona. He stated that he initially attempted to complete the F-1 report on his computer and email it to the PDC, but that he thinks he did not file it correctly. He then completed an F-1 report on paper and mailed it in to the PDC along with his letter of explanation
6. The Respondent also completed a Statement of Understanding acknowledging that the F-1 report was not timely filed, but he referenced his attached letter on the form as a mitigating factor.

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 did not violate RCW 42.17A.700.

ORDER

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

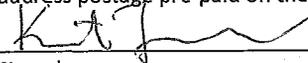
**IT IS HEREBY ORDERED that the allegation against the Respondent is dismissed, since he did not receive proper notification concerning the missing F-1 report.**

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

Entered this 2nd day of February, 2017.

Public Disclosure Commission

  
Evelyn Fielding Lopez  
Executive Director

I, <u>Kurt Young</u> , 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.	
<u></u> Signed	<u>2/2/2017</u> 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.