



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

To: Commission Members

From: Kurt Young, Compliance Officer

Date: August 15, 2017

Re: Request for Reconsideration from Orting School District Director Sandra Shirley,
PDC Case 10082

Agenda Item

Sandra Shirley is seeking a reconsideration by the Commission of a final order entered in a Brief Adjudicative Proceeding (Brief Enforcement Hearing) held on January 20, 2017 in PDC Case 10082. The reconsideration is scheduled for the August 24, 2017 Commission meeting.

Background

- Ms. Shirley was an incumbent School Director for the Orting School District, since being elected to that office in 2003. She resigned her position as School Director in August of 2016.
- As an incumbent School Director, Ms. Shirley was required to file a Personal Financial Affairs Statement (F-1 report) disclosing 2015 financial activities no later than April 15, 2016.
- On January 20, 2017, a Brief Enforcement Hearing was held in which the Presiding Officer found Ms. Shirley in violation of RCW 42.17A.700 for failing to file an F-1 report for calendar year 2015. Ms. Shirley was assessed a \$250 penalty in accordance with WAC 390-37-143, the penalty schedule adopted by the Commission, which was payable within 30 days of the date of the Order.
- The initial Order was entered February 3, 2017.
- On March 7, 2017, the Order became a Final Order.

Request for Review/Reconsideration

- On July 21, 2017, PDC staff contacted Ms. Shirley concerning a voice message she recently left for staff after receiving a collection notice for a \$325 penalty that had been assessed against her by the PDC.

- During the telephone conversation with staff, Ms. Shirley stated that she recently received a collection notice from AllianceOne, a state-contracted collection agency, but that she did not know why. During her conversation with PDC staff, when informed about the January 20, 2017 hearing in which the \$250 penalty had been assessed, Ms. Shirley stated that she had not received the hearing notice, Order, or any of the penalty payment letters from the Department of Enterprise Services (DES).
- After the telephone conversation with Ms. Shirley, PDC staff sent her an email and attached a copy of the Order from the January 20, 2017 Brief Enforcement hearing.
- On July 22, 2017, Ms. Shirley submitted an email to the PDC following up on her telephone conversation with PDC staff, stating that she had initially sent an email to the Orting School District in January of 2016, indicating her intent to resign her position. She stated she sent the email to the District secretary and she attached a letter resigning her School Director position for the secretary to print out for her, but she *"was asked to reconsider and stay on for a while, which I did."*
- Ms. Shirley stated that on August 3, 2016, she: *"fell over backwards and in doing so, broke my femur. I spent the next month trying to recover from this. In that same time frame my home was sold and I was essentially homeless until October (of 2016) staying in three different friends' homes. My friends and family had to move all my belongings into storage, which was quite unsettling, to say the least."*
- Ms. Shirley stated that in August of 2016, after her accident, she submitted a letter to the Orting School District formally resigning her position as School Director. She went on to state: *"My address changed and for whatever reasons I did not receive any notifications from your office. I was told by the Orting PO that they would forward my mail. Your mail was not the only thing that I did not receive, but didn't realize it until I received a few calls from others."*
- Ms. Shirley apologized for failing to file the F-1 report and for not responding to the correspondence sent to her by PDC staff concerning this matter, which she never received. She is requesting the Commission reconsider her Order in PDC Case 10082, along with the \$250 penalty assessed against her.
- On August 4, 2017, Ms. Shirley filed her "Final" F-1 report with the PDC as an elected School Director

Staff Recommendation/Comments

- The Brief Enforcement Hearing Notice, the Order, and three DES penalty payment letters apparently did not get forwarded to Ms. Shirley at her new address, and it does not appear that they were returned to either the PDC or DES by the US Postal Service.
- Ms. Shirley's appeal rights under the Administrative Procedures Act (APA) was 21-business days from the February 3, 2016, date in which the Order was mailed by PDC staff. Ms. Shirley needed to request either a review or reconsideration by March 7, 2017 in accordance with the APA.

- Staff confirmed that Ms. Shirley resigned her position as School Director for the Orting School District in August of 2016, and Tom Bryant was sworn in as her replacement on October 7, 2016.
- While the timeframe to request either a review or reconsideration has expired, staff believes there are mitigating circumstances to warrant the Commission entertaining a motion to reconsider the Final Order in this instance. If the Commission decides to reconsider the case, staff recommends the Commission either suspend the entire \$250 penalty assessed, or vacate the Order since it does not appear Ms. Shirley received notice of the hearing.
- If the Commission chooses either option, staff would further recommend that PDC staff contact AllianceOne and request that they consider waiving the fees that have accrued on the \$250 penalty against Ms. Shirley since the matter was referred to them.
- Staff has reminded Ms. Shirley of the importance of keeping PDC filings and addresses of record current.

Attachments:

- July 22, 2017, email from Ms. Shirley
- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case 10082)

Kurt Young

Sent: Saturday, July 22, 2017 2:03 PM
To: Kurt Young <kurt.young@pdc.wa.gov>
Subject: Re: PDC Order

Hi Kurt. Thanks so much for your quick response to my call yesterday. I will begin this by telling you that in January I had sent my resignation letter to the secretary so that she would print it out for me. But was asked to reconsider and stay on for a while, which I did.

On August 3rd I fell over backwards and in doing so, broke my femur. I spent the next month trying to recover from this. In that same time frame my home was sold and I was essentially homeless until October...staying in three different friends homes. My friends and family had to move all my belongings into storage, which was quite unsettling, to say the least.

In the months prior to my accident our board went through some very unsettling times. Our superintendent resigned, we appointed our assistant Superintendent as a replacement. The board chairman resigned, as did our vice-chair. We then elected a new chairman and had many more changes to deal with. Things went along fairly well until our board chair committed suicide.

Long story short, things were a mess. I had been planning to resign for months, but stayed on because of all the changes. In hopes that things would somehow get better, I stayed.

In August, after my accident I finally submitted my resignation. All that said...i found a wonderful home in Sumner. My address changed and for whatever reasons I did not receive any notifications from your office. I was told by the Orting PO that they would forward my mail. Your mail was not the only thing that I did not receive, but didn't realize it until I received a few calls from others.

I say all that, to say that I am sorry that I did not respond to the correspondence that I did not receive.

Sincerely,

Sandi Shirley

On Jul 21, 2017 2:08 PM, "Kurt Young" <kurt.young@pdc.wa.gov> wrote:

Ms. Shirley,

This email is a follow-up to our telephone conversation this afternoon. I have attached a copy of the February 6, 2017, Order from the January 20, 2017, Brief Enforcement Hearing, and the cover letter which was signed by me.

As we discussed, please review the Order and send me an email explaining the circumstances that led to you not receiving the October 2016 warning letter, the December 1, 2016 Hearing Notice or the Order. Once

received, I will review the information and check with my superiors to see if there is any remedy available to you concerning the penalty assessed through the Commission.

Sincerely,

Kurt Young
PDC Compliance Officer
(360) 664-8854 Direct Line



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

February 7, 2017

Sandra Shirley
PO Box 1791
Orting WA 98360

Subject: PDC Order, Case 10082

Dear Ms. Shirley:

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

At the January 20, 2017, Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of \$250 in accordance with WAC 390-37-160, that is payable within 30 days of the date of this Order.

The \$250 penalty is payable no later than March 4, 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

Thank you for your prompt attention to his matter. If you have questions, please contact me by email at kurt.young@pdc.wa.gov.

Sincerely,


Kurt Young
Compliance Officer

Enclosure



Public Disclosure Commission
Shining Light on Washington Politics Since 1972





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

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Sandra Shirley
PO Box 1791
Orting WA 98360

In Re Compliance with RCW 42.17A

Sandra Shirley

Respondent.

PDC Case 10082

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

A brief enforcement hearing (brief adjudicative proceeding) was held on January 20, 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 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 Sandra Shirley 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 or submit any written materials.

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

FINDINGS OF FACT

1. The Respondent is an incumbent School Director for the Orting School District, since being elected to that office in 2003.
2. As an incumbent School Director, the Respondent was required to file an F-1 report no later than April 15, 2016.
3. The Respondent did not file the missing F-1 report by the date of the hearing.
4. The Respondent has no prior PDC 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 file the F-1 report by April 15, 2016.

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 \$250, in accordance with the F-1 penalty schedule set forth in WAC 390-37-160, payable within 30 days of the date of the Order.

In the event the Respondent fails to pay the \$250 penalty within 30 days of the date of the Order, PDC staff is directed to refer the matter to DES for collection of the amount owed.

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

Entered this 6th 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>Kurt Young</u> Signed	<u>2/7/2017</u> Date

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.

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.)