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

In re Compliance with RCW 42.17A

Katherine Davis

Respondent.

PDC CASE NO. 10043

AMENDED FINAL ORDER ON
RECONSIDERATION

I. INTRODUCTION

This matter was heard by the Washington State Public Disclosure Commission (Commission) on April 27, 2017 at the Public Disclosure Commission Office, 711 Capitol Way, Room 206, Olympia, Washington 98504. The Respondent, Katherine Davis, requested reconsideration of the February 3, 2017 PDC Order, which determined that she failed to timely file her annual Personal Financial Affairs Statement (F-1 report) for calendar year 2015, and was assessed a \$150 civil penalty. The hearing was held pursuant to RCW 34.05, RCW 42.17A, and WAC 390-37. The proceeding was open to the public and recorded.

Commissioners Anne Levinson, Chair, John Bridges, Vice Chair, Katrina Asay, Jack Johnson, and David Ammons were present. Kurt Young, Compliance Officer, presented the matter on behalf of Public Disclosure Commission Staff (Staff). The Respondent, Katherine Davis, had a scheduling conflict and could not participate by telephone, but she submitted two letters to PDC staff as part of her request.

Also present were PDC Executive Director Evelyn Fielding Lopez, PDC Assistant Director Barbara Sandahl, PDC executive assistant Jana Greer, and Penny Allen, Assistant Attorney General, attorney for the Commission.

II. PROCEDURAL HISTORY

A Brief Adjudicative Proceeding (Brief Enforcement Hearing) was held on January 20, 2017 to consider whether the Respondent violated RCW 42.17A.700 by failing to timely file a F-1 report as required for an incumbent official due no later than April 15, 2016, disclosing her financial activities for calendar year 2015.

Although the Respondent was timely notified of the Brief Enforcement hearing, she did not attend or participate at the hearing, and she did not submit any written materials, but she filed the missing F-1 report on December 11, 2016.

The Presiding Officer, found that the Respondent had not timely filed her F-1 report for calendar year 2015, and imposed a \$150 penalty.

On March 16, 2017, the Respondent contacted Staff by telephone and left a voice message indicating she just received the Order for PDC 10043, and she had some questions. Staff contacted the Respondent and explained the process for requesting a reconsideration, but informed her that it appeared she was beyond the 21-business days in which she was required to make her request.

On March 21, 2017, the Respondent sent an email to PDC staff after receiving the Order for the January 20, 2017 Brief Enforcement hearing, requesting a review of the \$150 penalty assessed against her, and offering mitigating factors that contributed to the late request. The Respondent stated that her request for review was delayed due to the recent sale of their home and a slow mail delivery by the US Postal service to her new forwarding address.

The Respondent stated that their house sold in late November of 2016, and they relocated outside of the Hockinson School District boundaries in late December of 2016.

1 The Respondent stated that she resigned her Hockinson School Director position
2 effective January 31, 2017, after moving into their new residence at the end of January 2017.
3 She stated that the Order did not arrive at her new mailing address until Tuesday March 14,
4 2017, due to delays in timely forwarding her mail to the new address.

5 The Commission voted unanimously to reconsider the previous order and to suspend
6 the \$150 penalty assessed against the Respondent. Having heard and considered both party's
7 positions on the Motion for Reconsideration, having considered the files and records in this
8 matter, and being otherwise fully advised, the Commission HEREBY makes the following
9 findings of fact and conclusions of law:
10

11 **III. FINDINGS OF FACT**

12 1. The Respondent was an incumbent School Director for the Hockinson School
13 District, since being appointed to that position in 2011.

14 2. As an incumbent School Director, the Respondent was required to file an F-1
15 report no later than April 15, 2016.

16 3. The Respondent filed the missing F-1 report on December 11, 2016, prior to the
17 Brief Enforcement hearing date, but after the hearing notice had been mailed out.

18 4. The Respondent has no prior PDC Violations.
19

20 **IV. CONCLUSIONS OF LAW**

21 1. The Commission has jurisdiction to hear this matter pursuant to WAC 390-37-
22 144.
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24 2. The Respondent violated RCW42.17A.700 by failing to file the F-1 report by
25 April 15, 2016.
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V. ORDER

Based upon the findings and conclusions, the Commission ORDERS that:

1. Respondent Katherine Davis is assessed a civil penalty of \$150 in accordance with WAC 390-37-160, and suspend the \$150 penalty assessed against the Respondent, pending no future violations of RCW 42.17A or WAC 390 for four years from the date of the Order.


2. In the event that Respondent Katherine Davis fails to meet any terms of the suspended penalty, the entire suspended penalty of \$150 shall become immediately due and owing without any further intervention of the Commission.

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

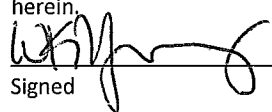
So ORDERED this 3 day of May, 2017.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:


Barbara Sandahl
Interim Executive Director

Copy of this Order emailed to:
Katherine Davis at "katherined001@gmail.com"

I, <u>Kurt Young</u> , certify that I emailed a copy of this order to the Respondent/ Applicant at her respective email address on the date stated herein.	
 Signed	<u>5/3/2017</u> Date

1 NOTICE: PETITION FOR JUDICIAL REVIEW

2 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,
3 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF
4 RCW 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER
5 MUST BE FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE
6 COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30)
7 DAYS AFTER THE DATE THIS FINAL ORDER IS SERVED UPON YOU.
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