



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

February 2, 2017

Duane Bryant  
283 Meier Road  
Winlock WA 98596

Subject: PDC Case 10034

Dear Mr. Bryant:

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, hearing the Presiding Officer found you violated RCW 42.17A.700 by failing to timely file the F-1 report, and assessed a civil penalty of \$150, in accordance with the F-1 penalty schedule set forth in WAC 390-37-160, of which the entire \$150 penalty is suspended on the following conditions:

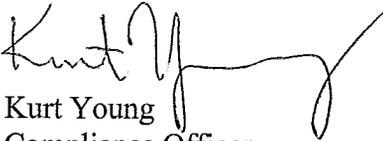
1. You comply with all current PDC reporting obligations
2. You commit no further violations of RCW 42.17A or WAC 390 for a period of four years from the date of this Order.

In the event you fail to comply with any of the terms of the suspended penalty, the \$150 suspended portion of the penalty shall become due without any further action by the Commission, and PDC staff is directed to: (1) Notify the Commission; and (2) Refer the matter to DES for collection of the amount owed.

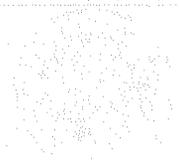
Thank you for your participation at the Brief Hearing, and meeting with me prior to the hearing.

For your information, I have included a copy of WAC 390-28-100(1)(e)(iii) for you to review in case you need to request a Modification of the F-1 reporting requirements for a Motor Vehicle Dealer in the future, as we discussed during our meeting. If you have questions, please contact me at (360) 664-8854; toll free at (877) 601-2828 or by email at [kurt.young@pdc.wa.gov](mailto:kurt.young@pdc.wa.gov).

Sincerely,

  
Kurt Young  
Compliance Officer

Enclosure



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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

Duane Bryant  
283 Meier Road  
Winlock WA 98596

In Re Compliance with RCW 42.17A

Duane Bryant

Respondent.

PDC Case 10034

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 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 Duane Bryant on December 1, 2016. Commission Chair Anne Levinson was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent appeared in person at the hearing and provided testimony to the Presiding Officer, and he also submit a letter.

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

FINDINGS OF FACT

1. The Respondent is an incumbent School Director for the Winlock School District, since being elected to that office in 2009.
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 filed the missing F-1 report on December 7, 2016.
4. The Respondent has no prior PDC violations.

5. The Respondent stated that he owns an automobile dealership and he also has an ownership interest in the family farm. He stated that due to the cyclical nature of the automotive business, which is a sole proprietorship, his accountant typically files for an extension with the Internal Revenue Service (IRS), and does not complete his taxes until October or November for the prior year.
6. The Respondent stated that since his taxes are not completed until that later time, he does not have an accurate picture of his income for the prior year when the F-1 report is due. He stated that rather than filing inaccurate information on his F-1 report, this year he waited until his taxes had been completed to file the missing F-1 report, which he acknowledged was late.
7. The Respondent met with PDC staff prior to the hearing being held, and staff recommended that he go ahead and file the F-1 report on the required due date, and attach a letter or memorandum stating that he has filed the information as accurately as possible. He should note that his accountant has filed an extension with the IRS, and when his taxes are completed, he will file an amended F-1 report if there are any changes from the previously submitted report.

#### 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 timely 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 \$150, in accordance with the F-1 penalty schedule set forth in WAC 390-37-160, of which the entire \$150 penalty is suspended on the following conditions:**

1. **The Respondent complies with all current PDC reporting obligations**
2. **The Respondent commits no further violations of RCW 42.17A or WAC 390 for a period of four years from the date of this Order.**

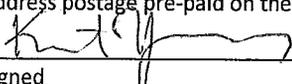
In the event fails to comply with any of the terms of the suspended penalty, the \$150 suspended portion of the penalty shall become due without any further action by the Commission, and the PDC staff are directed to: (1) Notify the Commission; and (2) Refer the matter to DES for collection of the amount owed.

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 Youngs</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.