



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

June 2, 2016

Michael Cusick
455 Spring Coulee Road
Okanogan WA 98840-8232

Subject: Amended Final Order, Michael Cusick, PDC Case No. 16-015

Dear Mr. Cusick:

Enclosed is a copy of the Public Disclosure Commission's Amended Final Order for PDC Case No. 16-015. The Amended Final Order assesses a civil penalty of \$750 against you for failing to file a Personal Financial Affairs Statement (F-1 report) for calendar year 2014, of which \$500 is suspended on the following conditions:

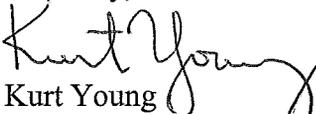
1. You do not violate RCW 42.17A for a period of four years from the date of this Amended Final Order; and
2. You pay the \$250 non-suspended portion of the penalty within 30 days of the date of this Amended Final Order.

Under the terms of the Order, you are required to pay the \$250 non-suspended portion of the penalty within 30 days of the date of the Amended Final Order, or not later than **July 1, 2016**. The penalty payment should be made payable to "WA STATE TREASURER", reference PDC Case No. 16-015, and mailed to:

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 toll free at 1-877-601-2828.

Sincerely,


Kurt Young
PDC Compliance Officer

Enclosures: Amended Final Order in Case No. 16-015
Information about Appeals and Enforcement of Final Orders



Very faint, illegible text, possibly a header or introductory paragraph.

Very faint, illegible text, possibly a main body paragraph.

Very faint, illegible text, possibly a second main body paragraph.

Very faint, illegible text, possibly a concluding paragraph or footer.

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

3 IN RE THE MATTER OF ENFORCEMENT
4 ACTION AGAINST

PDC CASE NO. 16-015

5 Michael Cusick

6 Respondent.

AMENDED FINAL ORDER

(Order On Reconsideration and
Amending Penalty)

7 This matter came before the Washington State Public Disclosure Commission on May
8 26, 2016, at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia,
9 Washington. The Respondent, Michael Cusick requested a reconsideration of the prior order
10 that had been issued following an enforcement hearing before the Full Commission in this
11 matter. The matter was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter
12 390-37 WAC.

13 Those present included Katrina Asay, Commission Chair, Anne Levinson, Vice-Chair
14 and John Bridges and Jack Johnson, Commission Members. Also present were Kurt Young,
15 PDC Compliance Officer on behalf of the PDC Staff; PDC Executive Director Evelyn Fielding
16 Lopez; and PDC staff member Jana Greer as recorder/reporter of the proceedings. The
17 Respondent, Michael Cusick, submitted a letter to the Commission, participated by telephone
18 and provided testimony at the hearing. The proceeding was open to the public and recorded.

19 **I. PROCEDURAL HISTORY**

20 The matter involved the allegation that Respondent violated RCW 42.17A.700 by failing
21 to file a Personal Financial Affairs Statement (F-1 report) as an incumbent Fire Commissioner
22 for Okanogan County Fire District No. 3 for calendar year 2014.

23 An Enforcement hearing before the Full Commission was held on February 26, 2016.
24 The Respondent did not participate.
25
26

1 An initial order was entered March 9, 2016, making Findings of Fact, Conclusions of
2 Law, in which the Respondent was assessed a \$750 civil penalty for a violation of failing to file
3 an F-1 report for calendar year 2014, payable within 30 days of the date of the order. The order
4 also required the Respondent to file the missing F-1 report for calendar year 2013. The order
5 became a final order on April 7, 2016.

6 By telephone on April 7, 2016, and then by letter dated April 15, 2016, the Respondent
7 requested that the Commission reconsider that order (“prior order”).

8 Following consideration of the prior order, the Respondent’s request for reconsideration,
9 Mr. Young’s May 16, 2016, memorandum and his testimony, the Commission voted
10 unanimously to amend the prior order and reduce the penalty as follows:

11 **II. AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 12 1. The Commission adopts the Findings of Fact in the prior order (attached).
13 2. The Commission makes the following additional findings:
14 a. The Respondent contacted PDC staff and left a voice message in late March of
15 2016 after receiving the Order.
16 b. On April 7, 2016, the Respondent contacted PDC staff stating that he had not
17 been aware of the missing F-1 report, and he had some questions concerning the
18 violation and penalty assessed against him in PDC Case 16-015, and his appeal
19 rights.
20 c. On April 15, 2016, the Respondent submitted a letter along with three paper filed
21 F-1A reports, one F-1A report for calendar years 2013, 2014 and 2015.
22 d. The Respondent stated that he attempted to file the missing F-1 report on-line,
23 and that he received a notification informing him that his F-1 report had already
24 been filed. He stated that he contacted the PDC staff and was informed by staff
25 that if he received that notification, his F-1 report had been successfully filed.
26

1 e. The Respondent stated that based on the notification, he assumed that he had
2 successfully filed the F-1 report, and that he was not aware of the missing F-1
3 reports until he received the order. He stated that he does not have reliable
4 internet service at his residence, and he is not able to regularly check his email.
5 He stated that the address that had been used by PDC staff in the past was not his
6 current mailing address.

7 f. Mr. Young testified that PDC staff reviewed the Respondent's electronic filing
8 account information and found the Respondent established an F-1 electronic
9 filing account in April of 2010, and had a pending F-1 report dated April 14,
10 2010. However, the Respondent failed to send in an F-1 signature card releasing
11 the 2010 F-1 report.

12 g. Mr. Young stated the records he reviewed did not indicate that any F-1 reports
13 had been saved or submitted electronically by the Respondent since 2010, and
14 added that a number of filers have had issues submitting reports using the F-1
15 electronic filing application over the years.

16 3. The Commission adopts the Conclusions of Law in the prior order.

17 4. The Commission finds that it is appropriate to modify the penalty under the
18 circumstances of this case, and will amend the prior order.

19 **III. AMENDED ORDER**

20 The prior order entered March 9, 2016 is amended and the Respondent is assessed a civil
21 penalty of \$750, of which \$500 of the penalty is suspended on the following conditions:

22
23 (1) The Respondent does not violate RCW 42.17A for a period of four years from the date of
24 this Amended Final Order; and

25 (2) The Respondent pays the \$250 non-suspended portion of the penalty within 30 days of the
26 date of this Order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

So ORDERED this 2nd day of June, 2016.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:


Evelyn Fielding Lopez
Executive Director

ATTACHMENTS

- (1) Prior Order
- (2) Appeals and Enforcement of Final Order

Copy of this order sent by mail to:

Michael Cusick
455 Spring Coulee Road
Okanogan WA 98840-8232

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>WKY</u> Signed	<u>6/2/2016</u> Date

Appeals and Enforcement of Commission Final Order

NOTICE: RECONSIDERATION

PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE (21) DAYS FROM THE DATE THIS FINAL ORDER IS 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 CAPITOL WAY, ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.

NOTICE: PETITION FOR JUDICIAL REVIEW

YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR 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.

