



State of Washington
PUBLIC DISCLOSURE COMMISSION

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March 7, 2019

RAYMOND HOLLOWAY
825 DESERT AIRE DRIVE SE
DESERT AIRE, WA 99349

And delivered electronically to “raymondholloway@smwireless.net”

Subject: PDC Order, Case 38874

Dear Raymond Holloway,

Enclosed is a copy of the Public Disclosure Commission’s Order Imposing Fine that was entered in the above-referenced case. At the February 28, 2019, Final Order Reconsideration Hearing, the Commission suspended \$230 of the total assessed civil penalty of \$250 in accordance with WAC 390-37-143.

Also enclosed is check number 4358, for a \$15 payment toward your penalty. As your penalty was suspended by the Commission and no money is due, the Public Disclosure Commission is returning your payment.

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdcc@pdcc.wa.gov.

Sincerely,

/s

Fox Blakhorn
Compliance Coordinator

Enclosures (2): Final Order
Check # 4358

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

8 In re the Matter of Enforcement Action
9 Against:

10 RAYMOND HOLLOWAY,
Respondent.

PDC CASE NO. 38874

FINAL ORDER

11
12 **I. INTRODUCTION**

13 This matter was heard by the Washington State Public Disclosure Commission
14 (Commission) on February 28, 2019, at the Public Disclosure Commission Office, 711 Capitol
15 Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to Chapter 34.05
16 RCW, Chapter 42.17A RCW, and Title 390-37 WAC.

17 Commissioners present were Anne Levinson, Commission Chair (presiding); David
18 Ammons, Commission Vice-Chair; and Commissioners William Downing and Russell Lehman.
19 Also present were Assistant Attorney General John S. Meader, representing the Commission;
20 Fox Blackhorn-Delph, PDC Compliance Coordinator; and Assistant Attorney General Chad
21 Standifer on behalf of PDC Staff. Respondent Raymond Holloway appeared telephonically.
22 The proceeding was open to the public and recorded.

23 The Commissioners had before them the following materials:

- 24 1. Case memorandum dated February 19, 2019 summarizing the record to date, prepared
25 by Fox Blackhorn-Delph, PDC Compliance Coordinator;
26 2. Initial Order and cover letter dated October 5, 2018;

3. Printout reflecting communications between the Respondent and PDC Staff between August 8, 2018, and February 15, 2019;

4. Statement of Account showing \$20 payment by the Respondent received by the PDC on February 6, 2019, toward the \$250 penalty assessed in the Initial Order;

5. F-1 Personal Financial Affairs Statement filed by the Respondent on November 21, 2018;

6. Request for Reconsideration submitted per Respondent's handwritten note on the Statement of Account dated February 6, 2019.

The hearing concerned allegations that the Respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) disclosing financial activities in calendar year 2017, which was due to be filed not later than April 16, 2018.

After reviewing the record, including the testimony by PDC Staff and the Respondent, the Commission HEREBY ORDERS that the following Findings of Fact, Conclusions of Law, and Final Order of the Commission be entered:

II. FINDINGS OF FACT

1. Raymond Holloway is an incumbent Hospital Commissioner for Grant County Hospital District 5. He was appointed to that office in 2017.

2. From April to June, 2018, PDC Staff sent seven email reminders to F-1 filers, including Mr. Holloway.

3. On July 16, 2018, PDC Staff mailed out an F-1 warning letter by U.S. mail to Mr. Holloway concerning his failure to file the F-1 report.

4. On August 16, 2018, PDC Staff mailed a hearing notice for a Brief Adjudicative

1 Proceeding to Mr. Holloway by U.S. Mail and email concerning failure to file the F-1 report.

2 5. On September 24, 2018, a Brief Enforcement Hearing was held in which the Presiding
3 Officer found Mr. Holloway in violation of RCW 42.17A.700 for failing to file an F-1 report for
4 calendar year 2017. Mr. Holloway was assessed a \$250 penalty in accordance with WAC 390-
5 37-143, the penalty schedule adopted by the Commission, which was payable within 30 days of
6 the date of the Initial Order.

7 6. On October 5, 2018, the Initial Order was mailed and emailed to Mr. Holloway.

8 7. On November 8, 2018, Mr. Holloway contacted the PDC and indicated there were
9 mail and email delivery issues with his hearing notices. He confirmed the email address used to
10 serve those notices, raymondholloway@smwireless.net, was correct. A blank F-1 form and a
11 reminder to send a written Request for Reconsideration was sent to Mr. Holloway at that time.

12 8. On November 21, 2018, Mr. Holloway filed the missing F-1 report for 2017.

13 9. On December 4, 2018, PDC Staff received notice from the Department of Enterprise
14 Services (DES) that it had received a returned invoice from "866 Desert Aire Drive SW" where
15 the Initial Order was mailed. The address was updated to "825 Desert Aire Dr. SE" and invoices
16 were reissued.

17 10. On January 24, 2019, Mr. Holloway called PDC Staff and refused to pay the fine
18 due to service issues, lack of understanding about the filing requirement, and personal health
19 issues. PDC Staff explained that the review and reconsideration periods had expired and the fine
20 remained due.

21 11. On February 6, 2019, DES received an invoice from Mr. Holloway with a \$20
22 payment toward the \$250 fine. His handwritten note on the invoice asked for reconsideration of
23 the remaining \$230 fine due to ignorance of the filing requirement, mail delivery issues, lack of
24 physical service of hearing notices, and medical issues contributing to non-compliance.

25 12. On February 15, 2019, PDC Staff confirmed with Dana Fox from Grant County
26

1 Hospital District 5, that Mr. Holloway was unable to attend the December 2018 Hospital
2 Commission Meeting due to personal health issues.

3 13. Mr. Holloway has no prior violations.
4

5 **III. CONCLUSIONS OF LAW**

6 1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW,
7 the State campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative
8 Procedure Act; and Title 390 WAC.

9 2. RCW 42.17A.700(1) states: "After January 1st and before April 15th of each year, every
10 elected official and every executive state officer shall file with the commission a statement of
11 financial affairs for the preceding calendar year."

12 3. Respondent Raymond Holloway violated RCW 42.17A.700 by failing to timely file a
13 Personal Financial Affairs Statement (F-1 report) disclosing financial activities in calendar year
14 2017, which was due to be filed no later than April 16, 2018.
15

16 **IV. ORDER**

17 Based upon the Findings and Conclusions, in consideration of the Respondent's health issues
18 and the filing of the F-1 report, the Commission grants the Request for Reconsideration and
19 orders that:

20 The Initial Order is AMENDED and \$230 of Respondent Raymond Holloway's total civil
21 penalty of \$250 is suspended on the following conditions:

22 1. Respondent Raymond Holloway timely files future F-1 reports as required by Chapter
23 42.17A RCW.

24 2. Respondent commits no further violations of Chapter 42.17A RCW or Title 390 WAC
25
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1 for a period of four years from the date of this Final Order.

2
3 If the Respondent fails to comply with any of the conditions of this Order, the suspended
4 portion of the penalty (\$230) shall immediately become due without further action by the
5 Commission.
6

7 So ORDERED this 6th day of March, 2019.
8

9 WASHINGTON STATE PUBLIC
10 DISCLOSURE COMMISSION

11 

12 Anne Levinson,
13 Chair, Public Disclosure Commission
14

15 *A copy of this Order mailed and/or emailed to:*

16 Raymond Holloway, Respondent
17 825 Desert Aire Dr. SE
18 Desert Aire, WA 99349
19 raymondholloway@smwireless.net

20 Phil Stutzman, PDC Staff (phil.stutzman@pdc.wa.gov)

21 Chad Standifer, Assistant Attorney General (ChadS@atg.wa.gov)
22

23 I, _____, certify that I mailed a copy of
24 this order to the Respondent/ Applicant at his/her respective
25 address postage pre-paid on the date stated herein.
26

Signed _____

Date _____

1
2 **NOTICE: PETITION FOR JUDICIAL REVIEW**

3 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
4 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
5 Order must be filed with the court and also served upon both the Commission and the Office of
6 the Attorney general within thirty (30) days after the date this Final Order is served upon you.
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