



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

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

John Barbee
12011 46th Avenue S
Tukwila WA 98178

In Re Compliance with RCW 42.17A

John Barbee

Respondent.

PDC Case No. 13-103

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

A brief enforcement hearing (brief adjudicative proceeding) was held August 1, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated: (1) RCW 42.17A.205 by failing to file a Candidate Registration (C-1 report); and (2) RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) covering the 12 months preceding the date the Respondent filed a Declaration of Candidacy, or no later than May 31, 2013.

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 John Barbee on July 18, 2013. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate at the hearing or submit any written materials.

On September 10, 2013, the brief enforcement hearing held August 1, 2013 was re-opened to consider factual information that corrected information that had previously been provided to the Presiding Officer on August 1, 2013, to ask the Presiding Officer to vacate his oral findings made at the August 1, 2013 hearing and make new findings.

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

FINDINGS OF FACT

1. The Respondent is a candidate for School Director in Tukwila School District No. 406 in 2013.

2. As a candidate, the Respondent was required to file a C-1 report and an F-1 report within two weeks of the date the Respondent filed a declaration of candidacy, or no later than May 31, 2013.
3. The Respondent had not filed the missing C-1 or F-1 reports by August 1, 2013, the date of the initial brief enforcement hearing.
4. During the August 1, 2013 brief enforcement hearing, PDC staff informed the Presiding Officer that the Respondent had not filed the missing C-1 or F-1 reports. However, on the afternoon of August 1, 2013, after the hearing had been concluded, staff received the missing C-1 and F-1 reports, a completed Statement of Understanding, and penalty payment of \$200 to avoid the hearing containing a postmark date of July 31, 2013.
5. As a result of the information provided by PDC staff at the August 1, 2013 hearing, the Presiding Officer originally assessed a civil penalty of \$300 for failure to file a C-1 and F-1 report. In light of the information provided at the September 10, 2013 hearing, the Statement of Understanding and penalty of \$200 should be accepted as the appropriate penalty for failing to file the C-1 and F-1 reports.
6. The Respondent has no prior 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 Statement of Understanding and \$200 penalty are accepted.
3. The Respondent violated RCW 42.17A.205 by failing to timely file the C-1 report, and RCW 42.17A.700 by failing to timely file the F-1 report, which were both due to be filed no later than May 31, 2013.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that:

1. **The oral findings, conclusions and penalty made on August 1, 2013, against the Respondent in PDC Case No. 13-103 are vacated.**
2. **The Respondent is assessed a civil penalty of \$200 in accordance with the penalty schedule set forth in WAC 390-37-165.**

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

Entered this 27th day of September, 2013.

Public Disclosure Commission

Andrea M. Doyle
Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, J. Berkeley, certify that I mailed a copy of this order to the Respondent(s) at his/her/its respective address, postage pre-paid, on the date stated herein.

John Barbee 9/27/13
Signed Date

PDC Case No. 13-103

RECEIVED

JUL 31 2013

PDC Statement of Understanding

2013 Candidate C-1/F-1 Reports

Public Disclosure Commission

C1 & F1 Rcvd

Ch. No. 114 for \$200 Rcvd

I hereby acknowledge that I, John Barber,
(Printed Name of Respondent)

timely file the Candidate Registration (C-1 Report) and Personal Financial Affairs Statement (F-1 Report) that were due within two weeks of my becoming a candidate, or no later than May 31, 2013, violations of RCW 42.17A.205 and 42.17A.700.

I want to avoid the time and expense resulting from a brief enforcement hearing before the Commission. Therefore, I am filing the C-1 and F-1 reports, completing the Statement of Understanding, and enclosing a check or money order in the amount of \$200, in lieu of a hearing being held.

I understand that this will resolve all issues regarding my failure to timely file the C-1 and F-1 reports, provided that a check or money order for \$200, the completed C-1 and F-1 reports, and this signed Statement of Understanding are all received by Tuesday, July 30, 2013.

I further understand that the Commission will not hold a hearing regarding my obligation to timely file the C-1 and F-1 reports that were due as described above.

John Barber
Signature of Respondent/Candidate

7/30/13
Date Signed

Be sure to include your C-1 and F-1 reports, and make your check or money order payable to "Washington State Treasurer." Mail or deliver this Statement of Understanding, your completed C-1 and F-1 reports, and your payment to:

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