



## 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: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdca.wa.gov](http://www.pdca.wa.gov)

To: Commission Members

From: Kurt Young, Compliance Officer

Date: January 16, 2014

Re: Request for Reconsideration from **Robert Jesse Hill: PDC Case No. 13-126**

#### Agenda Item

Robert Jesse Hill is seeking reconsideration by the Commission of a final order entered in an enforcement hearing before the Full Commission in PDC Case No. 13-126. The reconsideration is scheduled for the January 23, 2014, Commission meeting.

#### Background

Mr. Hill was a candidate seeking the office of City Councilmember in the City of Tacoma in 2013. Mr. Hill was required to file a Candidate Registration (C-1 report) and a Personal Financial Affairs Statement (F-1 report), both due within two weeks of declaring his candidacy in 2013, or no later than May 31, 2013.

An enforcement hearing was held September 26, 2013, in which the Commission found Mr. Hill in violation of RCW 42.17A.205 for failing to file a C-1 report, and RCW 42.17A.700 for failing to file an F-1 report. Mr. Hill, who did not appear or participate at the hearing, was assessed a civil penalty of \$500 in accordance with the penalty schedule set forth in WAC 390-37-165, which is payable within 30 days of the date of the order. The initial Order was entered November 5, 2013.

#### Request for Review/Reconsideration

On December 12, 2013, PDC staff received a letter from Mr. Hill requesting the Commission reconsider his case. He stated that for most of calendar year 2013 he was incarcerated in Pierce County jail, and said the November 5, 2013, final order was forwarded to him by a family member. He stated while the final order mentioned that he was in jail, he had "*...not received any mailings on this matter here at 910 Tacoma Ave. to respond to this matter.*"

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**Staff Response**

The original hearing notice in this matter was mailed to the address the Respondent had previously provided on his 2013 Declaration of Candidacy, which was Post Office Box 5006, Tacoma, Washington, 98415. As of January 15, 2014, Mr. Hill had not filed his missing C-1 or F-1 reports.

Attachments:

- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 13-126)
- December 12, 2013, letter from Mr. Hill.

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. 13-126

**FINAL ORDER**

5 Robert Jesse Hill

6 Respondent.  
7

8 This matter came before the Washington State Public Disclosure Commission (PDC)  
9 on September 26, 2013 at the PDC Office, 711 Capitol Way, Room 206, Olympia,  
10 Washington. Those present included Amit Ranade, Commission Chair; Grant Degginger,  
11 Commission Vice-Chair; and Kathy Turner, Member. Participating were Kurt Young, PDC  
12 Compliance Officer on behalf of the PDC Staff; PDC Executive Director Andrea McNamara  
13 Doyle; Nancy Krier, General Counsel for the Commission; and PDC staff member Nancy  
14 Coverdale as recorder/reporter of the proceedings. The Respondent, Robert Jesse Hill, was  
15 provided notice of the hearing but did not attend or participate. The proceedings were open to  
16 the public and recorded.

17 **I. PROCEDURAL HISTORY**

18 The Respondent is a candidate for City Councilmember in the City of Tacoma in 2013.  
19 This matter resulted from allegations that the Respondent violated RCW 42.17A.205 by failing  
20 to file a Candidate Registration Form (C-1 report) and RCW 42.17A.700 by failing to file a  
21 Personal Financial Affairs Statement (F-1 report), both due within two weeks of declaring his  
22 2013 candidacy, or not later than May 31, 2013.

23 On September 16, 2013, PDC staff sent a hearing notice to Respondent to the address  
24 he provided on his 2013 declaration of candidacy, scheduling the September 26, 2013 hearing  
25 before the Commission.  
26

1. At the hearing, Mr. Young testified on behalf of PDC staff. Mr. Young also presented  
2. to the Commission and summarized his memo dated September 16, 2013, with exhibits. The  
3. exhibits included information concerning two prior cases in which the Respondent was found  
4. in violation of RCW 42.17 and assessed a penalty.

5. Having considered the testimony and record, the Commission enters the following  
6. Findings of Fact, Conclusions of Law and Order.

## 7. II. FINDINGS OF FACT

8. 1. Candidate filing week was May 13-17, 2013 for candidates seeking election in 2013.
9. 2. The Respondent filed as a candidate for the Tacoma City Council during filing week in  
10. May 2013.
11. 3. The Commission had not received a C-1 (Candidate Registration Form) or F-1  
12. (Personal Financial Affairs Statement Report) from the Respondent as of May 31,  
13. 2013, the date they were due.
14. 4. The Commission had not received a C-1 or F-1 from the Respondent as of September  
15. 26, 2013, the date of the hearing.
16. 5. The hearing notice was mailed to the Respondent at the address he provided on his  
17. 2013 Declaration of Candidacy.
18. 6. No evidence was presented that as of May 2013 or thereafter, the Respondent has  
19. provided the Commission a change of address designating an address different from  
20. that on his Declaration of Candidacy.
21. 7. At the time of the hearing, the Respondent was incarcerated in Pierce County jail with a  
22. scheduled release date of February of 2014. He was incarcerated in June of 2013, after  
23. the F-1 and C-1 filing deadline.
24. 8. The Respondent is aware of the F-1 and C-1 filing requirements. The Commission has  
25. previously found the Respondent violated RCW 42.17 in PDC Case No. 12-044 (failure  
26. to timely file an F-1 following his 2011 declared candidacy for Tacoma City Council –

1 \$300 penalty assessed) and PDC Case No. 08-012 (failure to timely file an F-1 and a C-  
2 1 following his 2007 declared candidacy for Tacoma City Council - \$300 penalty  
3 assessed).

- 4 9. Both of Respondent's previous penalties were sent to collection; one penalty (Case No.  
5 12-044) remains unpaid.

### 6 III. CONCLUSIONS OF LAW

7 Based upon the record herein, the Commission unanimously concludes:

- 8 1. The Commission has jurisdiction to hear this matter under RCW 42.17A and Title  
9 390 WAC.  
10 2. RCW 42.17A.205 and WAC 390-16-012 required Respondent to file a C-1 within  
11 two weeks of becoming a candidate in 2013, or no later than May 31, 2013.  
12 3. The Respondent violated RCW 42.17A.205 by failing to file a C-1 for his 2013  
13 candidacy.  
14 4. RCW 42.17A.700 and WAC 390-24-010 required Respondent to file an F-1 within  
15 two weeks of becoming a candidate in 2013, or no later than May 31, 2013.  
16 5. The Respondent violated RCW 42.17A.700 by failing to file an F-1 for his 2013  
17 candidacy.  
18 6. WAC 390-37-165 requires full Commission consideration of a candidate's failure  
19 to file an F-1 or C-1 forms following two prior occasions where the Respondent has  
20 not complied with those same filing requirements.  
21 7. RCW 42.17A.755(5) requires the Commission to assess a penalty for Respondent's  
22 current violations and to assess a higher penalty than it ordered in Respondent's  
23 prior cases.

24 Based upon the findings and conclusions, the Commission orders that:  
25  
26

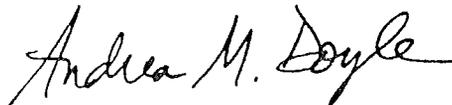
IV. ORDER

The Respondent is assessed a civil penalty of \$500.

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

So ORDERED this 5<sup>th</sup> day of November, 2013

WASHINGTON STATE PUBLIC  
DISCLOSURE COMMISSION  
FOR THE COMMISSION:



ANDREA MCNAMARA DOYLE  
Executive Director

*ATTACHMENT:* Appeals and Enforcement of Final Orders

*Copy of this Final Order to:*

Robert Jesse Hill  
PO Box 5006  
Tacoma, WA 98415

I, Jacob Berkey, certify that I mailed a copy of this order to the Respondent at Respondent's respective address, postage prepaid, on the date stated herein.

  
Signature

11/5/13  
Date

REQUEST <sup>F</sup><sub>O</sub><sub>R</sub> RECONSIDERATION

MONDAY  
Dec EIGHTH, 2013

I wish to appeal the "Final" Order in Matter #13-126.

For most of this year I have been incarcerated

The order of Nov. 5, 2013 mentions my being in jail.

→ I have not received any mailings on this matter here at 910 Tacoma AVE S to respond to this matter.

I received the order on NOV. 13<sup>th</sup>, forwarded by a family member from the P.O. Box.

WEDNESDAY

M. R. Hill

Mr. Robert Hill  
910 Tacoma AVE S  
Tacoma 98402-2104

RECEIVED

DEC 12 2013