



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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Memorandum

To: Public Disclosure Commission
From: Kurt Young, Compliance Officer
Date: September 17, 2013
Subject: September 26, 2013, Enforcement Hearing re:
Robert Jesse Hill, PDC Case No. 13-126

Allegations:

PDC staff alleges that Robert Jesse Hill, a candidate for City Councilmember in the City of Tacoma in 2013, 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 file a Personal Financial Affairs Statement (PDC form F-1), within two weeks of declaring his 2013 candidacy, or not later than May 31, 2013.

Background:

On August 23, 2013, PDC staff sent a Brief Enforcement hearing notice to Mr. Hill, at the address he provided on his declaration of candidacy, for a September 10, 2013 brief enforcement hearing (brief adjudicative proceeding). At the September 10 brief enforcement hearing, the Presiding Officer continued the hearing to the next full Commission meeting, in accordance with WAC 390-37-165 (the penalty schedule adopted by the Commission concerning candidates that fail to file or timely file C-1 and F-1 reports).

In accordance with WAC 390-37-165(2), Mr. Hill is not eligible to have his case heard at a brief enforcement hearing because this is his third occasion of a violation and he owes a \$300 outstanding penalty from a prior hearing, PDC Case No. 12-044.

Reporting Requirements:

- Candidate filing week was held May 13-17, 2013. More than 2,500 candidates filed for public office in the 2013 election cycle, including Mr. Hill.
- A Candidate Registration report (C-1 report) and a Personal Financial Affairs Statements (F-1 report) were required to be filed within two weeks of declaring a candidacy for public office, or no later than May 31, 2013.

- No F-1 or C-1 report has been filed by Mr. Hill as of September 17, 2013.

Past Enforcement History:

PDC Case No. 12-044:

- On August 10, 2011, Mr. Hill was found in violation of RCW 42.17.240 by failing to file an F-1 report within two weeks of declaring his 2011 candidacy for Tacoma City Council, or not later than June 25, 2011. Mr. Hill was assessed a \$300 penalty in accordance with WAC 390-37-165, of which \$50 was suspended on the condition he file the missing F-1 report within 30 days of the date of the order, and commit no further violations of RCW 42.17 for four years from the date of the order.
- Mr. Hill failed to file the missing F-1 report or pay the \$300 outstanding penalty, and his case was sent to collections on March 8, 2013 (see attached documentation).

PDC Case No. 08-012:

- On August 7, 2007, Mr. Hill was found in violation of RCW 42.17.040 by failing to file a C-1 report, and RCW 42.17.240 by failing to timely file an F-1 report, within two weeks of declaring his 2007 candidacy for Tacoma City Council, or not later than June 22, 2007. Mr. Hill was assessed a \$300 penalty in accordance with WAC 390-37-165, of which \$150 was suspended on the condition he file the missing C-1 and F-1 reports by the close of business on Friday, August 17, 2007.
- Mr. Hill filed the missing C-1 and F-1 reports on January 14, 2008, but did not pay the \$300 outstanding penalty.
- Mr. Hill's case was sent to collections on May 1, 2008 (see attached documentation).
- Mr. Hill paid the \$300 penalty on October 2, 2008.

Staff Recommendation:

Staff recommends the Commission find that Robert Jesse Hill violated RCW 42.17A.205 and 42.17A.700 and assess an appropriate penalty. Staff recommends a penalty in the range of \$500 to \$750, with a portion suspended conditioned on filing the missing reports and not committing further violations for a two to four year period.

Comparable Cases:

- Derek Young, Case No. 01-684 (September 27, 2001) – Mr. Young was an incumbent City Council Member who failed to file an F-1 report on two prior occasions. Both cases were referred to the Attorney General for collection. A violation was found and a \$750 penalty was assessed with \$500 suspended on the condition that no violations are committed for four years. (There have been several similar cases heard by the full commission for incumbent officials.)

- David Elton, Case No. 03-049 (October 29, 2002) – Mr. Elton was a candidate for City Council Member in the City of Spokane Valley. He refused to file the F-1 because he did not want to disclose information about some of his business clients who were also candidates. Mr. Elton lost in the primary election. A violation was found and a \$1,000 penalty was assessed.
- John Potter, Case No. 03-029 (October 2, 2002) – Mr. Potter was a candidate for State Representative. The commission considered a prior violation that included a \$500 outstanding penalty. A violation was found and a \$1,000 penalty was assessed.

Attachments:

- August 23, 2013, Brief Enforcement hearing notice and July 3, 2013 warning letter for PDC Case No. 13-126.
- Robert Jesse Hill information concerning PDC Case No. 12-044 and PDC Case No. 08-012.
- WAC 390-37-165: C-1/F-1 penalty schedule.