



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Peter Swant
1966 South Wilbur Avenue
Walla Walla WA 99362

In Re Compliance with RCW 42.17A

Peter Swant

Respondent.

PDC Case No. 13-150

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 the Candidate Registration (C-1 report), which was due to be filed within two weeks of the Respondent declaring his candidacy; 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 became a candidate for election in 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 Peter Swant on July 18, 2013. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent participated by telephone and provided sworn testimony to the Presiding Officer at the hearing.

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

FINDINGS OF FACT

1. The Respondent is a candidate for Port Commissioner for the Port of Walla Walla 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 as the date of the hearing.
4. The Respondent has no prior violations.

5. The Respondent stated that prior to filing his declaration of candidacy, he made an offer to buy a house in Walla Walla, which was very close to his existing home. He stated that after filing his declaration of candidacy with the Walla Walla County Auditor, but prior to filing the C-1 and F-1 reports, he received a telephone call from an incumbent Port Commissioner who had heard he was going to move.
6. The Respondent stated that the incumbent Port Commissioner questioned whether the potential new home was in the Respondent's port district, and whether he would be able to serve as Port Commissioner if elected. He stated they both reviewed a district map and that the Port Commissioner also contacted the Walla Walla County Boundary Review Board.
7. The Respondent stated he experienced financing issues when purchasing his home, and recently rescinded the offer to purchase the home. He stated he can now run for Port Commissioner in the district as an unopposed candidate for that office in 2013, and he now feels comfortable that he can complete the missing PDC reports. He stated that he now realizes he should have contacted PDC staff during this process, and made staff aware of his situation. He said he would file the missing C-1 and F-1 reports by the end of August 2013.

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 Respondent violated RCW 42.17A.205 by failing to file the C-1 report, and RCW 42.17A.700 by failing to 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 the Respondent is assessed a civil penalty of \$200 in accordance with the penalty schedule set forth in WAC 390-37-165, of which the entire \$200 is suspended on the following conditions:

- (1) Respondent files the missing C-1 and F-1 reports by August 31, 2013; and**
- (2) Respondent is not found to have committed any further violations of RCW 42.17A within two years of the date of this order.**

If the Respondent fails to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

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

Entered this 15 day of August, 2013.

Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jacobs Berkley 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.


Signed

8/15/13
Date