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

7  
8 IN RE THE MATTER OF ENFORCEMENT  
9 ACTION AGAINST

10 John Colean

11 Respondent.

PDC CASE NO. 13-236

**AMENDED FINAL ORDER**

(Order Vacating Findings and  
12 Dismissing Allegation)

13 A hearing was held December 12, 2013, in Room 206, Evergreen Plaza Building, 711  
14 Capitol Way, Olympia, Washington to consider whether the Presiding Officer should vacate  
15 the findings and dismiss the staff allegations against Respondent John Colean in PDC Case No.  
16 13-236 for violating RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement  
17 (F-1 report). The matter was held in accordance with Chapters 34.05 and 42.17A RCW and  
18 Chapter 390-37 WAC.

19 Those present included Amit Ranade, Commission Chair; Kurt Young, PDC  
20 Compliance Officer on behalf of the PDC Staff; PDC Executive Director Andrea McNamara  
21 Doyle; and PDC staff member Jacob Berkey as recorder/reporter of the proceedings. The  
22 Respondent did not participate in the hearing. The proceeding was open to the public and  
23 recorded.  
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## I. PROCEDURAL HISTORY

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2 This matter concerns a hearing held on August 1, 2013 during the Group Enforcement  
3 hearings for 2013 candidates that allegedly failed to file, or timely file, an F-1 report or a  
4 Candidate Registration (C-1 report) within two weeks of declaring his or her candidacy. At an  
5 August 1, 2013 brief enforcement hearing, staff alleged that Respondent John Colean violated  
6 RCW 42.17A.700 by failing to file an F-1 report as a 2013 candidate for Fire Commissioner in  
7 Grays Harbor County Fire District No. 3.

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9 At the August 1, 2013 brief enforcement hearing, the Presiding Officer considered  
10 evidence provided by PDC staff which stated that Respondent Colean had failed to file an F-1  
11 report as required. The Presiding Officer found that Respondent Colean violated RCW  
12 42.17A.700 by failing to file an F-1 report, and assessed a \$150 penalty in accordance with  
13 WAC 390-37-165.

14 On August 14, 2013, PDC staff sent the Respondent a copy of the Initial Order by  
15 certified mail and by first-class mail, informing him of the violation and penalty. The Initial  
16 Order became a Final Order on September 13, 2013.

17 After the Initial Order became a Final Order, PDC staff became aware that Grays  
18 Harbor County Fire District No. 3 had fewer than 1,000 registered voters as of the 2012  
19 general election, and that the Respondent therefore did not have an F-1 filing requirement as a  
20 candidate during the 2013 election.

21 PDC Staff recommended that the Presiding Officer vacate the August 1, 2013 Findings  
22 in PDC Case No. 13-236 and dismiss the staff allegation.

23 Following consideration of the Initial and Final Orders, a memorandum from Mr.  
24 Young to the Presiding Officer dated December 10, 2013, and Mr. Young's sworn testimony,  
25 the Presiding Officer ruled as follows:  
26

1 **II. AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 2 1. There were fewer than 1,000 registered voters in Grays Harbor County Fire District  
3 No. 3 as of the 2012 general election.  
4 2. Respondent John Colean did not have an F-1 filing requirement as a 2013 candidate for  
5 Fire Commissioner in Grays Harbor County Fire District No. 3.  
6 3. Respondent John Colean did not violate RCW 42.17A.700.

7 **III. AMENDED ORDER**

8 The Initial Order entered August 14, 2013 that became a Final Order on September 13,  
9 2013, is vacated, and the allegation that John Colean violated RCW 42.17A.700 is dismissed.

10 So ORDERED this 17<sup>th</sup> day of December, 2013.

11  
12 WASHINGTON STATE PUBLIC  
13 DISCLOSURE COMMISSION

14 FOR THE COMMISSION:

15 *Andrea M. Doyle*  
16 ANDREA MCNAMARA DOYLE  
Executive Director

17 **ATTACHMENT**

18 Initial Order entered August 14, 2013 that became a Final Order on September 13, 2013

19 *Copy of this order to:*

20 John Colean  
21 C/O: Grays Harbor Fire District No. 3  
22 PO Box 728  
23 Westport, WA 98

24 I, Philip E. Stutzman certify that I mailed a copy of this order to the Respondent  
25 at Respondent's respective address, postage prepaid, on the date stated herein.

26 *Philip E. Stutzman*  
Signature

12/17/2013  
Date

# INFORMATION ABOUT APPEALS AND ENFORCEMENT OF FINAL ORDERS

## APPEALS

### RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150*. (Note that the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. *RCW 34.05.010(19)*. The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

### FURTHER APPEAL RIGHTS – SUPERIOR COURT

A final order issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at *RCW 34.05.510 - .574*.

## ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under *RCW 42.17A.755 - .760*, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.