



State of Washington
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

December 11, 2018

LOGAN LIVINGSTON
501 BAILA WAY
ABERDEEN, WA 98520

And delivered electronically to "logan.livingston@alphamediausa.com"

Subject: PDC Order, Case 38813

Dear Logan Livingston,

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. At the December 6, 2018, Final Order Reconsideration Hearing, the Commission suspended \$900 of the total assessed civil penalty of \$1,000 in accordance with WAC 390-37-143. The non-suspended \$100 penalty is payable within 30 days of the date of this Order.

The \$100 penalty is payable no later than **January 10, 2019**. Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:

**Department of Enterprise Services
Small Agency Services
PO Box 41465
Olympia, WA 98504-1465**

Please do not send the payment to the PDC offices.

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdcc@pdcc.wa.gov.

Sincerely,

/s/ Tabatha Blacksmith
Tabatha Blacksmith
Compliance Coordinator

Enclosure: Final Order

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7 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
8 **OF THE STATE OF WASHINGTON**

9 In re the Matter of Enforcement Action
10 Against:

PDC CASE NO. 38813

11 Logan Livingston,
12 Respondent.

FINAL ORDER

13 **I. INTRODUCTION**

14 This matter was heard by the Washington State Public Disclosure Commission
15 (Commission) on December 6, 2018, at the Public Disclosure Commission Office, 711 Capitol
16 Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to Chapter 34.05
17 RCW, Chapter 42.17A RCW, and Title 390-37 WAC.

18 Commissioners present were Anne Levinson, Commission Chair (presiding); David
19 Ammons, Commission Vice-Chair; and Commissioner William Downing. Also present were
20 Assistant Attorney General John S. Meader representing the Commission; Fox Blackhorn-
21 Delph, PDC Compliance Coordinator; Tabatha Blacksmith, PDC Compliance Coordinator; and
22 Assistant Attorney General Chad Standifer on behalf of PDC Staff. Respondent Logan
23 Livingston attended in person. The proceeding was open to the public and recorded.

24 The Commissioners had before them the following materials:

- 25 • Enforcement Hearing Memorandum prepared by PDC Compliance Coordinator Tabatha
26 Blacksmith dated December 3, 2018;

- 1 • Freshdesk ticket log regarding the complaint and alleged violation dated August 8, 2018.
- 2 • E-mail notice from PDC staff to Respondent regarding missing F-1 Personal Financial
- 3 Affairs Statement, dated August 20, 2018, including notice of the Brief Enforcement Hearing
- 4 on September 24, 2018.
- 5 • Notice dated October 5, 2018, of the result of the Brief Adjudicative Hearing held on
- 6 September 24, 2018.
- 7 • Cover letter and Order Imposing Fine against Respondent Logan Livingston, dated October
- 8 5, 2018.
- 9 • E-mail communications dated November 27, 2018 through November 30, 2018, between
- 10 Respondent and PDC staff discussing Respondent's hardship, request for a reconsideration
- 11 appeal, and waiving the 10 day notice period.
- 12 • E-mail notice dated December 3, 2018, of the Review Hearing to be held on December 6,
- 13 2018.

14 The hearing concerned allegations that Respondent violated RCW 42.17A.700 by failing
15 to file a Personal Financial Affairs Statement (F-1 report) disclosing financial activity in the
16 calendar year 2017, no later than April 16, 2018.

17
18 After reviewing the record, including the testimony by PDC Staff and the Respondent,
19 the Commission HEREBY ORDERS that the following Findings of Fact, Conclusions of Law,
20 and Final Order of the Commission be entered:

21 22 **II. FINDINGS OF FACT**

23 1. Respondent Logan Livingston is a former Councilmember for the City of Hoquiam.

24 2. Per RCW 42.17A.700, Ms. Livingston was required to file a Personal Financial Affairs
25 Statement (F-1 report) disclosing financial activity in the calendar year 2017, no later than April
26

1 16, 2018. Ms. Livingston did not timely file the F-1 report.

2 3. From April to June, 2018, PDC staff sent seven email reminders to Logan Livingston
3 concerning the F-1 filing requirement.

4 4. On July 16, 2018, PDC staff sent a warning letter, by U.S. Mail, concerning Ms.
5 Livingston's failure to file the F-1 report.

6 5. On August 16, 2018, PDC staff served Ms. Livingston by U.S. Mail and e-mail, with
7 a hearing notice for a Brief Adjudicative Proceeding to be held on September 24, 2018,
8 concerning the failure to file the F-1 report.

9 6. On September 24, 2018, a Brief Adjudicative Proceeding was held in which the
10 Presiding Officer found Logan Livingston in violation of RCW 42.17A.700 for failing to file an
11 F-1 report for calendar year 2017. Ms. Livingston was assessed a \$1,000 penalty in accordance
12 with WAC 390-37-143, the penalty schedule adopted by the Commission, which was payable
13 within 30 days of the date of the Order.

14 7. The Initial Order was entered October 5, 2018.

15 8. On November 27, 2018, PDC staff spoke to Ms. Livingston by telephone. She
16 requested reconsideration of her penalty due to her inability to access the City of Hoquiam's
17 computer and theft of her personal computer which prevented her from receiving notice, failure
18 to receive the hearing notice until after the September 24, 2018 Brief Adjudicative Proceeding,
19 failure to receive the Initial Order outlining the appeals process, and claiming the penalty amount
20 constitutes a hardship for her as a low income Respondent. This information was confirmed by
21 the Respondent in writing on November 29, 2018.

22 9. Due to the service issues, Ms. Livingston did not meet the deadlines set forth in WAC
23 390-37-144 and RCW 34.05.491(5) for review and reconsideration requests. Based on the
24 mitigating factors presented, the PDC's Deputy Director waived these requirements and
25 approved the Respondent's request to present her case for reconsideration on December 6, 2018.
26

10. On November 30, 2018, Respondent waived her rights to 10 days' notice of the December 6, 2018, reconsideration hearing.

11. The missing F-1 report was filed on December 6, 2018, at the reconsideration hearing.

12. The Respondent has two prior found violations of RCW 42.17A.700, PDC Case Nos. 16-282 and 10064.

III. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.

2. Respondent Logan Livingston violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) disclosing financial activity in the calendar year 2017, no later than April 16, 2018.

IV. ORDER

Based upon the Findings and Conclusions, the Commission orders that:

1. The Initial Order is AMENDED and \$900 of Respondent Logan Livingston's total civil penalty of \$1,000 is suspended if the following conditions are met:

a. That Respondent pay the remaining \$100 penalty within 30 days of the date of this Final Order.

b. That Respondent timely files all required PDC reports in accordance RCW 42.17A.755 and has no further violations of Chapter 42.17A RCW or Title 390

1 WAC within four years of this Order.

2
3 2. In the event the Respondent fails to pay the non-suspended \$100 civil penalty
4 within 30 days of the date of this Order, the entire amount shall become due without further
5 action by the Commission.
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7 The Executive Director is authorized to enter this Order on behalf of the Commission.
8

9 So ORDERED this 11th day of December, 2018.
10

11 WASHINGTON STATE PUBLIC
12 DISCLOSURE COMMISSION

13 FOR THE COMMISSION:

14 

15 Peter Lavalley
16 Executive Director

17 *A copy of this Order mailed and/or emailed to:*

18 Logan Livingston, Respondent
19 501 Baila Way
20 Aberdeen, WA 98520
21 Logan.livingston@alphamediausa.com

22 Phil Stutzman, PDC Staff (phil.stutzman@pdc.wa.gov)

23 Chad Standifer, Assistant Attorney General (ChadS@atg.wa.gov)

24 I, Tabatha Blacksmith, certify that I mailed and emailed a copy of
25 this order to the Respondent/ Applicant at his/her respective
26 address postage pre-paid on the date stated herein.



Signed

12/11/18

Date

1 **NOTICE: RECONSIDERATION**

2 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
3 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
4 you. Any Request for reconsideration must state the specific grounds for the relief requested.
5 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,
6 711 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.
7

8 **NOTICE: PETITION FOR JUDICIAL REVIEW**

9 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
10 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
11 Order must be filed with the court and also served upon both the Commission and the Office of
12 the Attorney general within thirty (30) days after the date this Final Order is served upon you.
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