

1 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
2 **OF THE STATE OF WASHINGTON**

3 IN RE THE MATTER OF ENFORCEMENT  
4 ACTION AGAINST

5 Tracey Rascon

Respondent.

PDC CASE NO. 14-091

**AMENDED FINAL ORDER**

(Order On Reconsideration and  
Amending Penalty)

7 This matter came before the Washington State Public Disclosure Commission on  
8 September 25, 2014, at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol  
9 Way, Olympia, Washington. The Respondent, Tracey Rascon, requested a reconsideration<sup>1</sup> of  
10 the prior order issued following a brief enforcement hearing (brief adjudicative proceeding) in  
11 this matter. The matter was held in accordance with Chapters 34.05 and 42.17A RCW and  
12 Chapter 390-37 WAC.

13 Those present included Grant Degginger, Commission Chair; Kathy Turner and Amit  
14 Ranade, Members. Also present were Kurt Young, PDC Compliance Officer on behalf of the  
15 PDC Staff; PDC Executive Director Andrea McNamara Doyle; PDC Acting Assistant Director  
16 Tony Perkins; and PDC staff member Jennifer Hansen as recorder/reporter of the proceedings.  
17 The Respondent, Tracey Rascon, submitted an emailed letter but did not participate at the  
18 hearing. The proceeding was open to the public and recorded.

19 **I. PROCEDURAL HISTORY**

20 The matter involved the allegation that Respondent violated RCW 42.17A.700 by  
21 failing to file a Personal Financial Affairs Statement (F-1 report) as an incumbent School  
22 Director for the Cape Flattery School District No. 4 for calendar year 2013.

23  
24 <sup>1</sup>Because the Respondent's request for a review could not be heard within 20 business days, under  
25 WAC 390-37-144 the initial order became a final order and the request was automatically treated as a  
26 request for reconsideration of a final order. The initial order will be referred to as the "prior order."

1 A brief enforcement hearing was held on July 8, 2014. The Respondent did not  
2 participate. An initial order was entered July 24, 2014, making Findings of Fact, Conclusions  
3 of Law, and assessing a \$300 civil penalty against the Respondent for failing to file an F-1  
4 report for calendar year 2013. The order became a final order on August 22, 2014.

5 By telephone on July 8, 2014, and then by email dated August 8, 2014, the Respondent  
6 requested that the Commission reconsider that order ("prior order").

7 Following consideration of the prior order, the Respondent's request for  
8 reconsideration, Mr. Young's September 16, 2014, memorandum and his testimony, the  
9 Commission voted 2-1 to amend the prior order and reduce the penalty as follows:

## 10 II. AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 11 1. The Commission adopts the Findings of Fact in the prior order (attached).
- 12 2. The Commission makes the following additional findings:
  - 13 a. The Respondent is an incumbent School Director for Cape Flattery School  
14 District No. 4, having been appointed to that office in 2006.
  - 15 b. The Respondent has one prior PDC violation.
  - 16 c. The Respondent acknowledged that she filed the F-1 report late, apologized for  
17 the late filing, and stated that in February of 2014, she took in a foster child.  
18 She stated since that time, she has had difficulties keeping up with everything  
19 going on in her life, including her mail.
  - 20 d. The Respondent stated that she does all of her banking on-line, and that her mail  
21 often gets ignored. She stated that she has been busy with her teenage child,  
22 ailing mother, and also dealing with the foster child's mother.
  - 23 e. The Respondent stated that she attempted to fax her missing F-1 report for  
24 2013, one day after the hearing was held, but she did not "...know there was a  
25 hearing on the 8th as I was not on top of all my personal affairs at the time."  
26

- 1 3. The Commission adopts the Conclusions of Law in the prior order.  
2 4. The Commission finds that it is appropriate to modify the penalty under the  
3 circumstances of this case, and will amend the prior order.

4 **III. AMENDED ORDER**

5 The prior order entered July 24, 2014 is amended and the Respondent is assessed a civil  
6 penalty of \$300, of which \$200 is suspended on the following conditions: (1) the Respondent  
7 does not violate RCW 42.17A for a period of four years from the date of this Amended Final  
8 Order; and (2) The Respondent pays the \$100 non-suspended portion of the penalty within 30  
9 days of the date of the order.

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

11 So ORDERED this 3<sup>rd</sup> day of October, 2014.

12 WASHINGTON STATE PUBLIC  
13 DISCLOSURE COMMISSION

14 FOR THE COMMISSION:

15   
16 ANDREA MCNAMARA DOYLE  
17 Executive Director

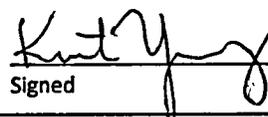
18 **ATTACHMENTS**

- 19 (1) Prior Order  
20 (2) Appeals and Enforcement of Final Orders

21 *Copy of this order sent by email to:*

Tracey Rascon at tracey.rascon@ihs.gov

22 \_\_\_\_\_  
23 I, Kurt Young, certify that I mailed a copy of this order to  
24 the Respondent/Applicant at his/her respective address postage pre-paid  
25 on the date stated herein.

26   
Signed

10/3/2014  
Date