



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)

November 6, 2015

CAPE FLATTERY SCHOOL DISTRICT  
ATTN LEGAL COUNSEL  
BOX 109  
13-193 HWY 112  
SEKIU WA 98381

Subject: Donald Baker, PDC Case Nos. 16-003

Dear Sir or Madam:

On October 22, 2015, the Washington State Public Disclosure Commission (PDC) held a hearing concerning the allegation that Donald Baker, a Cape Flattery School District director, failed to file reports required as an incumbent school director in 2014 and 2015. Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case No. 16-003. The Order assesses a civil penalty of \$1,000 against Mr. Baker, \$500 for the missing F-1 Personal Financial Affairs Statement due April 15, 2014 for calendar year 2013, and \$500 for the missing F-1 Statement due April 15, 2015 for calendar year 2014.

The F-1 Personal Financial Affairs Statement is an annual filing requirement for elected and appointed officials, due each April 15<sup>th</sup> for the previous calendar year. At the request of the Public Disclosure Commission, PDC staff is alerting you to the enforcement action against Mr. Baker, and offering any help necessary to assist Mr. Baker and other district officials in complying with their disclosure requirements as elected school directors.

If you have questions, please contact me at (360) 586-1042; toll free at (877) 601-2828 or by email at [tony.perkins@pdcc.wa.gov](mailto:tony.perkins@pdcc.wa.gov).

Sincerely,

Tony Perkins  
Acting Director of Compliance

Enclosure: Final Order in Case Nos. 16-003



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November 6, 2015

DONALD BAKER  
PO BOX 1  
CLALLAM BAY WA 98326-0001

Subject: Final Order, Donald Baker, PDC Case No. 16-003

Dear Mr. Baker:

Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case No. 16-003. The Order assesses a civil penalty of \$1,000 against you, \$500 for each missing F-1 Personal Financial Affairs Statement report for calendar years 2013 and 2014. Both reports were required from you as an incumbent director for the Cape Flattery School Board.

Under the terms of the Order, you are required to pay the \$1,000 penalty and file the missing F-1 reports within 30 days of the date of the Order. The penalty payment should be made payable to "WA STATE TREASURER" and should reference PDC Case No. 16-003.

If you have questions or require reporting materials, please contact me at (360) 586-1042; toll free at (877) 601-2828 or by email at [tony.perkins@pdc.wa.gov](mailto:tony.perkins@pdc.wa.gov).

Sincerely,

Tony Perkins  
Acting Director of Compliance

Enclosures: Final Order in Case Nos. 16-003  
Information about Appeals and Enforcement of Final Orders

cc: Cape Flattery School District Legal Counsel

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

3  
4 IN RE THE MATTER OF ENFORCEMENT  
5 ACTION AGAINST

PDC CASE Nos. 16-003  
**FINAL ORDER**

6  
7 Donald Baker

8 Respondent.  
9

10 This matter was heard by the Washington State Public Disclosure Commission (PDC) on  
11 October 22, 2015 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington 98504.  
12 The hearing was held pursuant to RCW 34.05, RCW 42.17A, and WAC 390-37. The proceeding  
13 was open to the public and recorded.

14 Commissioners Katrina Asay, Chair, Vice-Chair Anne Levinson and Member John  
15 Bridges were present. PDC Compliance Officer Kurt Young presented the case on behalf of  
16 PDC staff. The Respondent, Donald Baker, was provided notice of the hearing but did not attend  
17 or participate. The proceedings were open to the public and recorded.

18 **I. PROCEDURAL HISTORY**

19 The Respondent is an incumbent Cape Flattery School Board member, first appointed to  
20 that office in 2010, and elected in 2011 as a first-time candidate. As an incumbent School Board  
21 member, the Respondent was required to file a Personal Financial Affairs Statement (F-1 report)  
22 no later than April 15, 2015, disclosing personal financial information for calendar year 2014.  
23 As an incumbent School Board member, the Respondent was required to file a Personal Financial  
24 Affairs Statement (F-1 report) no later than April 15, 2014, disclosing personal financial  
25 information for calendar year 2013.

1 On July 1, 2015, PDC staff sent a hearing notice to the Respondent for failing to file the  
2 F-1 report for calendar year 2014.

3 Prior to the Brief Enforcement hearing, staff became aware that the Respondent was not  
4 eligible for a brief hearing. On October 12, 2015, PDC staff sent a hearing notice to the  
5 Respondent scheduling the October 22, 2015 enforcement hearing before the full Commission.

6 At the hearing, Mr. Young testified on behalf of PDC staff. Mr. Young also presented  
7 to the Commission and summarized his memo dated October 15, 2015, with exhibits. The  
8 exhibits included information concerning the Respondent's prior case in which he was found in  
9 violation of RCW 42.17A and assessed a \$300 penalty, and subsequently failed to file the report  
10 that was the subject of that violation.

11 Having considered the testimony and record, the Commission enters the following  
12 Findings of Fact, Conclusions of Law, and Order.

13 **II. FINDINGS OF FACT**

- 14 1. Elected and appointed officials are required to file an annual F-1 report by April 15<sup>th</sup>  
15 disclosing financial activities for the previous calendar year.
- 16 2. The Commission did not receive an F-1 report from the Respondent by the April 15,  
17 2015, due date for calendar year 2014.
- 18 3. The Commission did not receive an F-1 report from the Respondent by the April 15,  
19 2014, due date for calendar year 2013.
- 20 4. The Respondent is not eligible for a brief enforcement hearing under the provisions of  
21 WAC 390-37-160, since he has not filed the F-1 report that was the subject of the prior  
22 violation found in PDC Case No. 12-170.
- 23 5. The Respondent did not file an F-1 report as of October 22, 2015, the date of the hearing.
- 24 6. The Respondent has one prior outstanding penalty totaling \$300 that was sent to  
25 AllianceOne for collection for PDC Case No. 12-170.

1 **III. CONCLUSIONS OF LAW**

2 Based upon the record herein, the Commission unanimously concludes:

- 3 1. The Commission has jurisdiction to hear this matter under RCW 42.17A and Title 390  
4 WAC.  
5 2. RCW 42.17A.700 required the Respondent to file an F-1 report no later than April 15,  
6 2015, disclosing financial activities for calendar year 2014.  
7 3. RCW 42.17A.700 required the Respondent to file an F-1 report no later than April 15,  
8 2014, disclosing financial activities for calendar year 2013.  
9 4. The Respondent violated RCW 42.17A.700 on two occasions by failing to file an F-1  
10 report disclosing his financial activities for calendar years 2013 and 2014.

11 Based upon the findings and conclusions, the Commission orders that:

12 **IV. ORDER**

13 The Respondent is:

- 14 1) Assessed a civil penalty of \$1,000, \$500 for each missing F-1 report for calendar years  
15 2013 and 2014;  
16 2) Required to pay the \$1,000 penalty within 30 days of the date of the Order;  
17 3) Required to “cease and desist” from failing to file his required PDC reports in  
18 accordance with RCW 42.17A.755(4); and  
19 4) Required to file the missing F-1 reports for calendar years 2013 and 2014 within 30  
20 days of the date of the Order.

21 In addition, the Commission directed staff to contact the Cape Flattery School District’s  
22 legal counsel to remind the Respondent and other school board members about the F-1 filing  
23 requirement.

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

25 /

26 /

1 So ORDERED this 6<sup>th</sup> day of November, 2015

2  
3  
4 WASHINGTON STATE PUBLIC  
5 DISCLOSURE COMMISSION  
6 FOR THE COMMISSION:

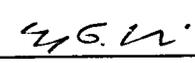
7   
8 Evelyn Fielding Lopez  
PDC Executive Director

9 **ATTACHMENT:** Appeals and Enforcement of Final Orders

10 *Copy of this Final Order to:*

11 Donald Baker  
12 PO Box 1  
13 Clallam Bay, WA 98326-0001

14 Cape Flattery School District  
15 Attn: Legal Counsel  
16 Box 109  
13-193 HWY 112  
Sekiu, WA 98381

17  
18  
19  
20 I, Tony Fertiks, certify that I mailed a copy of this order to the  
21 Respondent/Applicant at his/her respective address postage pre-paid on the date  
22 stated herein.  
23  11/6/15  
Signed 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.