



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 • Website: www.pdcc.wa.gov

November 6, 2015

DIERINGER SCHOOL DISTRICT OFFICE
ATTN LEGAL COUNSEL
1320 178TH AVE E
LAKE TAPPS WA 98391

Subject: Monte St. Johns, PDC Case Nos. 16-060, 16-156

Dear Sir or Madam:

On October 22, 2015, the Washington State Public Disclosure Commission (PDC) held a hearing concerning the allegation that Monte St. Johns, a Dieringer School District director, failed to file reports required as a 2015 candidate for re-election to his office. Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case Nos. 16-060 and 16-156. The Order assesses a civil penalty of \$1,000 against Mr. St. Johns, \$500 for the missing C-1 Candidate Registration and \$500 for the missing F-1 Personal Financial Affairs Statement.

Under state law, Dieringer School District facilities may not be used to assist a candidate's campaign for office, including to assist the candidate with filing required campaign disclosure statements. However, the F-1 Personal Financial Affairs Statement is also an annual filing requirement for elected and appointed officials, due each April 15th for the previous calendar year. At the request of the Public Disclosure Commission, PDC staff is alerting you to the enforcement action against Mr. St. Johns, and offering any help necessary to assist Mr. Johns 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.

Sincerely,

Tony Perkins
Acting Director of Compliance

Enclosure: Final Order in Case Nos. 16-060, 16-156



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November 6, 2015

MONTE ST. JOHNS
2510 TACOMA POINT DRIVE EAST
LAKE TAPPS WA 98391

Subject: Final Order, Monte St. Johns, PDC Case Nos. 16-060, 16-156

Dear Mr. St. Johns:

Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case Nos. 16-060, 16-156. The Order assesses a civil penalty of \$1,000 against you, \$500 for the missing C-1 Candidate Registration and \$500 for the missing F-1 Personal Financial Affairs Statement. Both reports were required from you as a 2015 candidate for re-election to the Dieringer School Board.

Under the terms of the Order, you are required to pay the \$1,000 penalty and file the missing C-1 and 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 Nos. 16-060, 16-156.

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.

Sincerely,

Tony Perkins
Acting Director of Compliance

Enclosure: Final Order in Case Nos. 16-060, 16-156
Information about Appeals and Enforcement of Final Orders

cc: Dieringer School District Office 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. 16-060 & 16-156
FINAL ORDER

6
7 **Monte St. Johns**

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, Monte St. Johns, was provided notice of the hearing but did not
17 attend or participate. The proceedings were open to the public and recorded.

18 **I. PROCEDURAL HISTORY**

19 The Respondent was elected to the Dieringer School Board in 2013 as a first-time
20 candidate. As an incumbent School Board member, the Respondent was required to file a
21 Personal Financial Affairs Statement (F-1 report) no later than April 15, 2015, disclosing
22 personal financial information for calendar year 2014. As a candidate seeking re-election to
23 School Board in 2015, the Respondent was required to file a Candidate Registration (C-1 report),
24 due within two weeks of declaring his candidacy or not later than May 31, 2015.

25 On July 1, 2015, PDC staff sent a hearing notice to the Respondent for failing to file the
26 F-1 report (PDC Case No. 16-060).

1 On July 24, 2015, PDC staff sent a hearing notice to the Respondent for failing to file the
2 C-1 report (PDC Case No. 16-156). Prior to the Brief Enforcement hearings, staff became aware
3 that the Respondent was not eligible for a brief hearing. October 12, 2015, PDC staff sent a
4 hearing notice to the Respondent scheduling the October 22, 2015 enforcement hearing before
5 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 enforcement hearing in which
9 he was found in violation of RCW 42.17A and assessed a \$300 penalty, and subsequently failed
10 to file the report 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 due by April 15th
15 and disclosing financial activities for the previous calendar year.
- 16 2. The Commission did not receive an F-1 report from the Respondent as of April 15, 2015,
17 the date the report was due.
- 18 3. Candidate filing week was May 11-15, 2015 for candidates seeking election in 2015, and
19 the Respondent filed for re-election as a candidate for School Director in the Dieringer
20 School District during filing week.
- 21 4. The Commission did not receive a C-1 report from the Respondent as of May 31, 2014,
22 the date the report was due.
- 23 5. The Respondent is not eligible for a brief enforcement hearing under the provisions of
24 WAC 390-37-160 and 165 since he has not filed the F-1 report that was the subject of
25 the prior violation found in PDC Case No. 14-106.

1 6. The Respondent did not file a C-1 report or an F-1 report as of October 22, 2015, the date
2 of the hearing.

3 7. The Respondent has two prior outstanding penalties totaling \$600 that have been sent to
4 AllianceOne for collection for PDC Case Nos. 14-106 and 13-148.

6 III. CONCLUSIONS OF LAW

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

- 8 1. The Commission has jurisdiction to hear this matter under RCW 42.17A and Title 390
9 WAC.
- 10 2. RCW 42.17A.205 required the Respondent to file a C-1 report within two weeks of
11 becoming a candidate for re-election, or no later than May 31, 2015.
- 12 3. The Respondent violated RCW 42.17A.205 by failing to file a C-1 report within two
13 weeks of becoming a candidate for re-election in 2015.
- 14 4. RCW 42.17A.700 required the Respondent to file an F-1 report no later than April 15,
15 2015.
- 16 5. The Respondent violated RCW 42.17A.700 by failing to file an F-1 report disclosing his
17 financial activities for calendar year 2014.

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

19 IV. ORDER

20 The Respondent is:

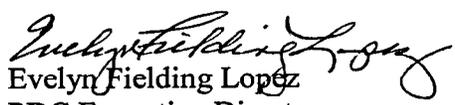
- 21 1) Assessed a civil penalty of \$1,000, \$500 for the missing C-1 report and \$500 for the
22 missing F-1 report;
- 23 2) Required to pay the \$1,000 penalty within 30 days of the date of the Order;
- 24 3) Required to “cease and desist” from failing to file his required PDC reports in
25 accordance with RCW 42.17A.755(4); and
- 26 4) Required to file the missing C-1 and F-1 report within 30 days of the date of the Order.

1 In addition, the Commission directed staff to contact the Dieringer School District legal
2 counsel to remind the Respondent and other School Board members about the filing
3 requirements.

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

5 So ORDERED this 6th day of November, 2015

6 WASHINGTON STATE PUBLIC
7 DISCLOSURE COMMISSION
8 FOR THE COMMISSION:

9 
10 Evelyn Fielding Lopez
PDC Executive Director

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

12 *Copy of this Final Order to:*

13 Monte St. Johns
14 2510 Tacoma Point Drive East
15 Lake Tapps WA 98391

16 Dieringer School District Office
17 Attn; Legal Counsel
18 1320 178th Ave E
Lake Tapps, WA 98391

19
20 I, Tony Perkins, 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 Tony Perkins 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.

