

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

3 IN RE THE MATTER OF ENFORCEMENT
4 ACTION AGAINST

PDC CASE NO. 16-065

AMENDED FINAL ORDER

(Order On Reconsideration Vacating
Findings and Penalty)

5 Michael Tate

Respondent.

6 _____
7 This matter came before the Washington State Public Disclosure Commission on
8 September 24, 2015, at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way,
9 Olympia, Washington. The Respondent, Michael Tate, requested a reconsideration¹ of the prior
10 order issued following a brief enforcement hearing (brief adjudicative proceeding) in this matter.
11 The matter was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37
12 WAC.

13 Those present included Katrina Asay, Commission Chair; Anne Levinson, Commission
14 Vice-Chair, Grant Degginger, John Bridges and Amit Ranade, Members. Also present were
15 Kurt Young, PDC Compliance Officer on behalf of the PDC Staff; PDC Executive Director Fred
16 Kiga; PDC Director of Compliance Tony Perkins; Assistant Attorney General Linda Dalton, and
17 PDC staff member Jana Greer as recorder/reporter of the proceedings. The Respondent, Michael
18 Tate, submitted a letter but did not participate at the hearing. The proceeding was open to the
19 public and recorded.

20 **I. PROCEDURAL HISTORY**

21 The matter involved the allegation that Respondent violated RCW 42.17A.700 by failing
22 to file a Personal Financial Affairs Statement (F-1 report) as an incumbent Board
23 Member/Commissioner of the Commission on Judicial Conduct for calendar year 2014.

24 _____
25 ¹Because the Respondent's request for a review could not be heard within 20 business days, under WAC
26 390-37-144 the initial order became a final order and the request was automatically treated as a 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 30, 2015. The Respondent did not
2 participate. An initial order was entered August 17, 2015, making Findings of Fact, Conclusions
3 of Law, and assessing a \$150 civil penalty against the Respondent for one violation of failing to
4 file an F-1 report for calendar year 2014.

5 By telephone on August 19, 2015, and then by letter dated August 24, 2015, the
6 Respondent requested that the Commission review/reconsider that order ("prior order"). The
7 order became a final order on September 15, 2015.

8 Following consideration of the prior order, the Respondent's request for reconsideration,
9 Mr. Young's September 17, 2015, memorandum and his testimony, the Commission voted
10 unanimously to amend the prior order as follows:

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

12 1. The Commission makes the following findings:

- 13 a. The Respondent is an incumbent Board Member of the Commission on Judicial
14 Conduct, and has no prior PDC violations.
- 15 b. The Respondent stated he retired from Washington State University in October of
16 2014, and that he did not receive the F-1 warning letter or hearing notice sent to him
17 by PDC staff.
- 18 c. The Respondent stated that the address listed on the F-1 warning letter and hearing
19 notice were for his Washington State University post office box, which was closed
20 after he retired last year. The F-1 warning letter and hearing notice were not forwarded
21 to him.
- 22 d. On August 21, 2015, the Respondent filed an F-1A report for calendar year 2014.

23 2. The Commission vacates the Findings of Fact in the prior order (attached).

24 3. The Commission vacates the Conclusions of Law in the prior order.

25 4. The Commission vacates the penalty assessed.

1 **III. AMENDED ORDER**

2 The prior order entered August 17, 2015 is vacated.

3
4 The Executive Director is authorized to enter this order on behalf of the Commission.

5 So ORDERED this 1st day of October 1, 2015.

6 WASHINGTON STATE PUBLIC
7 DISCLOSURE COMMISSION

8 FOR THE COMMISSION:

9 
10 Frederick C. Kiga
11 Executive Director

12 **ATTACHMENT**
13 (1) Prior Order

14 *This order sent by email to:*

15 Michael Tate at "mtate@wsu.edu:"

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I, <u>Kurt Youngs</u> , certify that I emailed a copy of this order to the Respondent at his respective email address.	
<u>Kurt Youngs</u>	<u>October 1, 2015</u>
Signed	Date

