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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. 39053

FINAL ORDER

11 Mickiel Smith,

Respondent.

12 **I. INTRODUCTION**

13 This matter was heard by the Washington State Public Disclosure Commission
14 (Commission) on October 25, 2018, at the Public Disclosure Commission Office, 711 Capitol
15 Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to Chapter 34.05
16 RCW, Chapter 42.17A RCW, and Chapter 390-37 WAC.

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

23 The Commissioners had before them the following materials:

- 24 • Enforcement Hearing Memorandum prepared by PDC Compliance Coordinator Tabatha
25 Blacksmith dated October 17, 2018;
26 • Freshdesk ticket log dated August 9, 2018 describing the initial complaint;

- 1 • Email sent by PDC Staff to Respondent regarding missing Candidate Registration (C-1
- 2 report) and missing Personal Financial Affairs Statement (F-1 report), dated August 20,
- 3 2018, and providing notice of the Brief Adjudicative Proceeding on September 24, 2018;
- 4 • Emails between PDC staff and the Respondent between August 21, 2018 and September 19,
- 5 2018, regarding a potential statement of termination;
- 6 • Email to Respondent dated October 8, 2018, notifying him of the outcome of the Brief
- 7 Adjudicative Proceeding held September 24, 2018;
- 8 • Email from Respondent requesting an appeal of the Initial Order dated October 9, 2018;
- 9 • Email from PDC staff dated October 15, 2018, providing notice to the Respondent of the
- 10 Review Hearing on October 25, 2018.
- 11 • PDC Case No. 39053 cover letter and Order Imposing Fine against Respondent Mickiel
- 12 Smith dated October 5, 2018;
- 13 • Statement of Termination of Campaign for Lewis County Charter Review Commissioner
- 14 (“Freeholder”) from Respondent dated October 12, 2018.

15 The hearing concerned allegations that Respondent violated RCW 42.17A.700 by failing
16 to file a Personal Financial Affairs Statement (F-1 report) and RCW 42.17A.205 by failing to
17 file a Candidate Registration (C-1 report) within two weeks of declaring candidacy for calendar
18 year 2018, or no later than June 1, 2018.

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

23 **II. FINDINGS OF FACT**

24 1. Respondent Mickiel Smith was a candidate for Charter Review Commissioner of
25 Lewis County.

1 2. As a candidate for election, the Respondent was required to file both C-1 and F-1
2 reports within two weeks of declaring candidacy or no later than June 1, 2018. As of the date
3 of the Review Hearing, Mr. Smith had not filed the C-1 or F-1 reports for calendar year 2018.

4 3. Respondent has no prior violations.

5 4. Respondent filed a Statement of Termination of Campaign dated October 12, 2018.

6 **III. CONCLUSIONS OF LAW**

7
8 1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW,
9 the State campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative
10 Procedure Act; and Title 390 WAC.

11 2. RCW 42.17A.700 states in part: "After January 1st and before April 15th of each year,
12 every elected official and every executive state officer shall file with the commission a statement
13 of financial affairs for the preceding calendar year."

14 3. WAC 390-24-025 states in part: "Any person holding elected public office, except as
15 exempted by the terms of RCW 42.17A.700, ... is required to file the statement of financial
16 affairs if such person holds such public office between January 1 and April 15 of any year. Such
17 report shall be for the preceding calendar year."

18 4. RCW 42.17A.205 states in part: "[e]very political committee shall file a statement of
19 organization with the commission. The statement must be filed within two weeks after
20 organization or within two weeks after the date the committee first has the expectation of
21 receiving contributions or making expenditures in any election campaign, whichever is earlier."

22 4. Respondent Mickiel Smith violated RCW 42.17A.205 and RCW 42.17A.700 by failing
23 to file the C-1 and F-1 reports within two weeks of declaring candidacy or by June 1, 2018.

24 **IV. ORDER**

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

26 1. Respondent Mickiel Smith is assessed a total civil penalty of \$500, with \$400 suspended.

1 The balance of \$100 shall be paid within 30 days of the date of this Order.

2 2. Respondent will file all required PDC reports in accordance with RCW 42.17A.755(4).

3 3. Respondent will file the missing C-1 and F-1 reports within 30 days of the date of this
4 Order.

5 4. Respondent will have no further violations of Chapter 42.17A RCW or Title 390 WAC
6 within four years of this order.

7 In the event the Respondent fails to pay the \$100 civil penalty and file the missing C-1 and
8 F-1 reports within 30 days of the date of this Order, the entire amount shall become due without
9 further action by the Commission.

10 The Executive Director or General Counsel is authorized to enter this Order on behalf of
11 the Commission.

12 So ORDERED this 26th day of October, 2018.

13 WASHINGTON STATE PUBLIC
14 DISCLOSURE COMMISSION

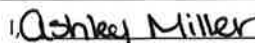
15 FOR THE COMMISSION:

16 
17 Peter Lavalée
18 Executive Director

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

20 Mickiel Smith, Respondent
21 P.O. Box 372
22 Chehalis, WA 98532
23 asr.smith@yahoo.com

24 Phil Stutzman, PDC Staff (phil.stutzman@pdc.wa.gov)
25 Chad Standifer, Assistant Attorney General (ChadS@atg.wa.gov)

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

 10/26/2018
Signed 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.
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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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