



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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

To: Commission Members

From: Micaiah Ragins, Compliance Coordinator

Date: October 16, 2017

Re: Request for Review from Candidate for the Cape Flattery School District 401 Director
Janine Ledford, PDC Case 23031

Agenda Item

On August 23, 2017, Janine Ledford, a candidate for School Director of the Cape Flattery School District 401, was found in violation of RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) due to be filed within two weeks of declaring candidacy or no later than June 2, 2017, disclosing financial information for the preceding twelve months. At that hearing, a \$250 penalty was assessed, which Janine Ledford requests be reviewed by the full Public Disclosure Commission.

Background

- Janine Ledford is first-time candidate for School Director of the Cape Flattery School District 401.
- As a candidate for election, Ledford was required to file a Personal Financial Affairs Statement (F-1 report) disclosing financial activities for the preceding twelve months within two weeks of declaring candidacy or not later than June 2, 2017.
- On August 23, 2017, a Brief Enforcement Hearing was held in which the Presiding Officer found Janine Ledford in violation of RCW 42.17A.700 for failing to file an F-1 report for the preceding twelve months. Janine Ledford was assessed a \$250 penalty in accordance with WAC 390-37-143, the penalty schedule adopted by the Commission, which was payable within 30 days of the date of the Order.
- The initial Order was entered September 5, 2017.

Request for Review/Reconsideration

- On September 15, 2017, PDC Staff received a written request from Janine Ledford requesting review and waiver of the \$250 penalty from the Initial Order in Case 23031, on

the basis that she was not aware of the noncompliance until short notice. Ledford states that she listed an email address on the F-1 application that she does not check often, which contributed to delays in becoming aware that the PDC was attempting to contact her regarding the missing F-1 report. Janine Ledford also states that the P.O Box for which she received the hearing notice was incorrect; the P.O box in the PDC database was 62 and the correct number should have been 623. Ledford has indicated that the email issue combined with the hearing notice going to the wrong P.O box, interfered with her ability to submit the F-1 before the hearing deadline.

- PDC staff verified that there was a discrepancy in the database in which the P.O Box was 62, instead of 623. There were also conversations between PDC staff and Janine Ledford in which she demonstrated a good faith effort to file the F-1 form prior to the hearing.
- The F-1 report was emailed to PDC staff on August 4, 2017, two days after the hearing notice was sent on August 2, 2017. Ms. Ledford stated that she also mailed the F-1 report, but it has not yet been received. PDC Staff instructed Ms. Ledford to mail the F-1 report again or to file electronically by October 16, 2017.

Staff Recommendation/Comments

- PDC Staff recommends that the Commission waive the \$250 penalty assessed, on the basis that the hearing notice was mailed to the incorrect P.O box for Janine Ledford and on the basis that Ms. Ledford emailed the F-1 report when she became aware of the violation.

Attachments:

- September 11, 2017, written appeal letter from Janine Ledford
- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case 23031)

Janine Ledford
P. O. Box 623
Neah Bay, WA 98357

DATE FILED PDC
SEP 15 2017

September 11th, 2017

State of Washington
Public Disclosure Commission
711 Capitol Way Rm. 206
P. O. Box 40908
Olympia, WA 98504-0908

To whom it may concern;

I am a first-time applicant to serve on the Cape Flattery School Board. On my application, I listed an e mail address that I don't check every day. I primarily use e mail for work related correspondence and not often for personal business.

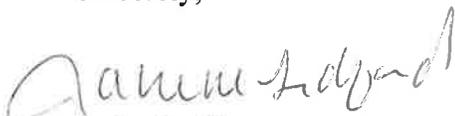
On Friday evening, July 28th I was e mailed a request to fill out and turn in the F-1 form. I didn't see the e-mail until several days later, when I immediately asked questions of the sender, filled in the form and then submitted it through the mail, and via e-mail. My e mail went out on August 5th, a few days past when it was due.

On Friday, September 8th I was given a letter addressed to me, but with the wrong P. O. Box listed. Thankfully the boxholder was kind enough to find me and hand deliver my mail. It was improperly addressed to P. O. Box 62, and my box is 623. I reviewed the F 1 form to make sure I had written my correct address, which I had.

I would like to respectfully request a reconsideration of the Order Imposing Fine due to the short notice of three working days to fill out and submit the form. Because I am a first-time applicant I am not familiar with the requirements, but I am in the process of learning. I am looking forward to serving as a school board member and prefer to not be discouraged by the imposition of a fine even before the beginning of my first term.

Thank you for your consideration of my appeal. Please feel free to contact me if you have any questions at 360 640 8497 or at mcrcjanine@outlook.com. I will check that e mail account more consistently from now on.

Sincerely,



Janine Ledford



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September 5, 2017

Janine Ledford
PO Box 62
Neah Bay WA 98357

Subject: PDC Order, Case 23031

Dear Janine Ledford,

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. At the August 23, 2017, Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of \$250 in accordance with WAC 390-37-143, payable within 30 days of the date of the Order.

The \$250 penalty is payable no later than October 5, 2017. Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:

WA State Treasurer - Public Disclosure Commission
Financial Office
PO Box 41465
Olympia, WA 98504-1465

Please do not send the payment to the PDC offices. Thank you for your prompt attention to this matter, and please file the missing F-1 report disclosing financial activities for the previous twelve months of the 2017 election cycle. If you have questions, please contact me by email at micaiah.ragins@pdcc.wa.gov.

Sincerely,

Micaiah Titus Ragins
Compliance Coordinator

Enclosures:
Initial Order



Public Disclosure Commission
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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Janine Ledford
PO Box 62
Neah Bay WA 98357

In Re: Compliance with RCW 42.17A

Janine Ledford

Respondent.

PDC Case 23031

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

A brief enforcement hearing (brief adjudicative proceeding) was held on August 23, 2017, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) as a candidate for the 2017 election cycle, which was due to be filed within two weeks of declaring candidacy, or not later than June 2, 2017, disclosing financial activities for the preceding twelve months.

The hearing was held in accordance with Chapters 34.05 RCW and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Janine Ledford on August 2, 2017. Commission Chair Anne Levinson was the Presiding Officer. The Commission staff was represented by Micaiah Ragins, Compliance Coordinator. The Respondent did not participate in the hearing or submit any written materials.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a candidate for School Director of the Cape Flattery School District 401.
2. As a candidate for election, the Respondent was required to file an F-1 report within two weeks of declaring candidacy or not later than June 2, 2017.
3. The Respondent did not file the missing F-1 report prior to the date of the hearing.
4. The Respondent has no prior violations.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.700 by failing to file the F-1 report within two weeks of declaring candidacy or not later than June 2, 2017.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$250 in accordance with the F-1 penalty schedule set forth in WAC 390-37-160, payable within 30 days of the date of the Order. It is further ordered that the Respondent:

- 1. Pay the \$250 civil penalty within 30 days of the date of this Order.**
- 2. "Cease and desist" from failing to file the required PDC reports in accordance with RCW 42.17A.755(4).**
- 3. File the missing F-1 report disclosing the previous 12 months within 30 days of the date of this Order.**

In the event the Respondent fails to pay the \$250 civil penalty within 30 days of the date of the Order, PDC staff is directed to refer the matter to the Department of Enterprise Services (DES) for collection of the amount owed.

This is an **Initial Order** of the Public Disclosure Commission.

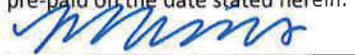
Entered this 5th day of September, 2017.

Public Disclosure Commission



Peter Lavallee
Executive Director

I, Micaiah Ragins, 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.


Signed _____

September 5, 2017

Date

Respondent's Appeal Rights

REVIEW OF INITIAL ORDER - BY THE COMMISSION

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission **review** an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review (*WAC 390-37-144*).
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request. If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below.

If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable. If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order**. At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570*.

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: 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, the date the Order is emailed if agreed to by the Respondent, 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 or emailed.)

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.