



State of Washington
PUBLIC DISCLOSURE COMMISSION

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November 2, 2018

SHERYL MILLER
PO BOX 687
NEWPORT, WA 99156

And delivered electronically to "routersmysticwolf@gmail.com"

Subject: PDC Order, Case 38998

Dear Sheryl Miller,

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. At the October 25, 2018, Initial Order Review Hearing, the Commission assessed a total civil penalty of \$250 in accordance with WAC 390-37-143, of which \$100 is suspended. The non-suspended \$150 penalty is payable within 30 days of the date of this Order.

The \$150 penalty is payable no later than **December 3, 2018**. Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:

**Department of Enterprise Services
Small Agency Services
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. Please file the missing F-1 report for calendar year 2017.

If you have questions, please contact us by email at pdc@pdc.wa.gov.

Sincerely,

/s/ Tabatha Blacksmith
Tabatha Blacksmith
Compliance Coordinator

Enclosure: Initial Order

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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. 38998

AMENDED FINAL ORDER

11 Sheryl Miller,

Respondent.

12
13 **I. INTRODUCTION**

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

18 Commissioners present were Anne Levinson, Commission Chair (presiding); David
19 Ammons, Commission Vice-Chair; and Commissioner and William Downing. Also present
20 were Assistant Attorney General John S. Meader representing the Commission; Fox Blackhorn-
21 Delph, PDC Compliance Coordinator; Tabatha Blacksmith, PDC Compliance Coordinator; and
22 Assistant Attorney General Chad Standifer on behalf of PDC Staff. Respondent Sheryl Miller
23 did not participate in the proceeding. The proceeding was open to the public and recorded.

24 The Commissioners had before them the following materials:

- 25 • Enforcement Hearing Memorandum prepared by PDC Compliance Coordinator Tabatha
26 Blacksmith dated October 22, 2018;

- 1 • Freshdesk ticket log regarding the complaint and alleged violation dated August 8, 2018.
- 2 • E-mail notice from PDC staff to Respondent regarding missing F-1 Personal Financial
- 3 Affairs Statement, dated August 20, 2018, including notice of Brief Enforcement Hearing on
- 4 September 24, 2018.
- 5 • Notice dated October 5, 2018, of the result of the Brief Adjudicative Hearing held on
- 6 September 24, 2018.
- 7 • Cover letter and Order Imposing Fine against Respondent Sheryl Miller, dated October 5,
- 8 2018.
- 9 • E-mail dated October 18, 2018, from Respondent requesting an appeal.
- 10 • E-mail notice dated October 22, 2018, of the Review Hearing to be held on October 25, 2018.
- 11

12 The hearing concerned allegations that Respondent violated RCW 42.17A.700 by failing
13 to file a Personal Financial Affairs Statement (F-1 report) within two weeks of declaring
14 candidacy, or not later than June 1, 2018.

15
16 After reviewing the record, including the testimony by PDC Staff, the Commission
17 HEREBY ORDERS that the following Findings of Fact, Conclusions of Law, and Final Order
18 of the Commission be entered:
19

20 **II. FINDINGS OF FACT**

21 1. Respondent Sheryl Miller is a candidate for County Commissioner of Pend Oreille
22 County. She declared her candidacy during candidate filing week, between May 14 and May
23 18, 2018.

24 2. Per RCW 42.17A.700, Ms. Miller was required to file a Personal Financial Affairs
25 Statement (F-1 report) disclosing financial activity for the previous twelve calendar months,
26

1 within two weeks of declaring candidacy, or no later than June 1, 2018. As of the date of the
2 Review Hearing, Ms. Miller had not filed the F-1 report.

3 3. On July 16, 2018, PDC staff sent a warning letter, by U.S. Mail, concerning Ms.
4 Miller's failure to file the F-1 report.

5 4. On August 16, 2018, PDC staff served Ms. Miller by U.S. Mail and e-mail, with a
6 hearing notice for a Brief Adjudicative Proceeding to be held on September 24, 2018, concerning
7 the failure to file the F-1 report.

8 5. On September 24, 2018, a Brief Adjudicative Proceeding was held in which the
9 Presiding Officer found Sheryl Miller in violation of RCW 42.17A.700 for failing to file an F-1
10 report for calendar year 2017. Ms. Miller was assessed a \$250 penalty in accordance with WAC
11 390-37-143, the penalty schedule adopted by the Commission, which was payable within 30
12 days of the date of the Order.

13 7. The Initial Order was entered October 5, 2018.

14 8. On October 18, 2018, the Respondent sent an e-mail to PDC staff citing technical
15 difficulties with her personal computer and no e-mail access as reasons for not filing the F-1
16 report. She also requested an appeal and indicated she would send in the F-1 report.

17 9. The Respondent has no prior violations.
18

19 **III. CONCLUSIONS OF LAW**

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

23 2. RCW 42.17A.700(2) states: "Within two weeks of becoming a candidate, every
24 candidate shall file with the commission a statement of financial affairs for the preceding twelve
25 months."
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1 3. Respondent Sheryl Miller violated RCW 42.17A.700 by failing to timely file a Personal
2 Financial Affairs Statement (F-1 report) within two weeks of declaring candidacy, or not later
3 than June 1, 2018.
4

5 **IV. ORDER**

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

7 1. The Initial Order is AMENDED and \$100 of Respondent Sheryl Miller's total civil
8 penalty of \$250 is suspended on the condition that she file her F-1 report by November 2, 2018,
9 and pay the remaining \$150 fine within 30 days of the date of this Amended Final Order. If by
10 November 2, 2018, the F-1 report is not filed, or the non-suspended \$150 fine is not paid within
11 30 days of this Amended Final Order, the total civil penalty of \$250 is due and payable within
12 30 days of the date of this Amended Final Order without further action by the Commission.

13 2. Respondent Sheryl Miller shall timely file future F-1 reports as required by Chapter
14 42.17A RCW.

15 3. Respondent shall commit no further violations of Chapter 42.17A RCW or Title 390
16 WAC for a period of four years from the date of the final order.
17

18 The Executive Director is authorized to enter this Order on behalf of the Commission.

19 So ORDERED this 2nd day of November, 2018.
20

21 WASHINGTON STATE PUBLIC
22 DISCLOSURE COMMISSION

23 FOR THE COMMISSION:

24 
25 Peter Lavallee
26 Executive Director

1
2 *A copy of this Order mailed and/or emailed to:*

3 Sheryl Miller, Respondent

4 P.O. Box 687

Newport, WA 99156

rautermysticwolf@gmail.com

5 Phil Stutzman, PDC Staff (phil.stutzman@pdc.wa.gov)

6 Chad Standifer, Assistant Attorney General (ChadS@atg.wa.gov)

7 I, Tabeatha Dickson-Hill, certify that I mailed and
8 emailed a copy of this order to the Respondent/ Applicant at
his/her respective address postage pre-paid on the date stated
9 herein.

10 Tabeatha Dickson-Hill 11/2/18

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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