



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

July 3, 2019

Sheryl Miller
564 Silver Birch Road
Newport, WA 99156

And delivered electronically to "rautersmysticwolf@gmail.com"

Subject: PDC Order, Case 39653 and 42884

Dear Sheryl Miller,

Enclosed is a copy of the Public Disclosure Commission's Final Order Imposing Fine that was entered in the above-referenced case. At its June 27, 2019 meeting, the Commission found you violated RCW 42.17A.235 by failing to timely file Monetary Contribution reports (C-3 reports) a Summary Campaign Contribution and Expenditure Reports (C-4 reports) disclosing contributions received and expenditures made during the 2018 campaign, and by failing to facilitate an inspection of the campaign books of account during the eight-day period preceding an election. In addition, the Commission found you violated RCW 42.17A.110 and WAC 390-16-043 by failing to provide the campaign books of account to PDC staff pursuant to a subpoena duces tecum being issued by PDC Staff.

The Commission assessed a total civil penalty of \$5,000 of which \$4,500 is suspended on the following conditions:

1. The missing C-3 and C-4 reports are filed with the PDC within 10 days of the date of this Final Order.
2. The \$500 non-suspended portion of the penalty is paid in accordance with a payment plan agreed to between you and PDC Staff within 10 days of the date of this Final Order.
3. You remain in full compliance with all PDC reporting requirements and are not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Final Order.

In the event you fail to comply with any of the conditions of this Order, the suspended portion of the penalty (\$4,500) shall immediately become due without further action by the Commission. Please make the checks or money orders payable to the **WA State Treasurer**, and mail the payments to the following: **Public Disclosure Commission PO Box 40908 Olympia, WA 98504-0908**

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdcc@pdcc.wa.gov.

Sincerely,

/s/


Allee Fiman
Compliance Officer

Enclosure: Final Order

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

In re the Matter of Enforcement Action
Against:

SHERYL MILLER,

Respondent.

PDC CASE NOS. 39653 and
42884

FINAL ORDER

I. INTRODUCTION

This matter was heard by the Washington State Public Disclosure Commission (Commission) on June 27, 2019, at the Public Disclosure Commission Office, 711 Capitol Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to Chapter 34.05 RCW, Chapter 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present were Anne Levinson, Commission Chair (presiding); David Ammons, Commission Vice-Chair; and Commissioners William Downing, Russell Lehman, and Fred Jarrett. Also present were Assistant Attorney General John S. Meader representing the Commission and Alice Fiman, Compliance Officer, on behalf of PDC Staff. Assistant Attorney General Chad Standifer appeared telephonically on behalf of PDC Staff. Respondent Sheryl Miller also appeared telephonically and was not represented by Counsel. The proceeding was open to the public and recorded.

The hearing concerned allegations that Sheryl Miller (Respondent) violated RCW 42.17A.235(1), (2), and (3) by failing to timely file Monetary Contribution reports (C-3 reports)

1 and Campaign Summary Receipts and Expenditure reports (C-4 reports) disclosing contribution
2 and expenditure activities during her 2018 campaign, violated RCW 42.17A.235(4) by failing to
3 allow a person requesting to inspect the campaign's books of account the opportunity to review
4 the information as required during the eight-day period preceding an election, and that the
5 Respondent violated 42.17A.110 and WAC 390-16-043 by failing to provide the campaign's
6 books of account to PDC staff pursuant to a subpoena duces tecum issued by PDC staff.

7 The Commissioners had before them the following materials:

- 8 o Report of Investigation (ROI) for PDC Cases 39653 and 42884, dated June 10, 2016;
- 9 o Exhibit #1 Declaration of Candidacy filed by Sheryl Miller;
- 10 o Exhibit #2 Candidate Registration (C-1 report) and amended C-1 filed by Sheryl Miller;
- 11 o Exhibit #3 PDC Case 38998 Final Order, F-1, and penalty information;
- 12 o Exhibit #4 Email sent by PDC staff November 28, 2018 to Sheryl Miller regarding her
13 continued failure report financial activity for the 2018 election;
- 14 o Exhibit #5 Subpoena emailed and sent via certified mail to Sheryl Miller January 10,
15 2019;
- 16 o Exhibit #6 Sheriff's affidavit verifying successful subpoena service;
- 17 o Exhibit #7 Letter emailed and sent via mail to Sheryl Miller on May 8, 2019 regarding
18 her failure to respond to the subpoena from Chad C. Standifer, Assistant Attorney
19 General;
- 20 o Exhibit #8 Complaint filed Aug. 9, 2018 by Glen Morgan;
- 21 o Exhibit #9 Response sent to the PDC October 18, 2018 from Sheryl Miller stating she
22 would have all reports filed by October 22, 2018;
- 23 o Exhibit #10 Complaint filed October 25, 2018 by Norm Smith;
- 24 o Exhibit #11 Complaint filed November 10, 2018 by Margaret Underwood;
- 25 o Exhibit #12 Email from Michelle C. Nedved, Publisher, The Miner Newspapers to PDC
26 Staff regarding political advertising purchased by Sheryl Miller;

1 email and by phone, and no documents were provided by Ms. Miller pursuant to the PDC Staff
2 subpoena. Staff was able to verify the following expenditure activities that were undertaken by
3 Ms. Miller during the 2018 election:

- 4 • On May 15, 2018, a candidate filing fee of \$561 was paid in cash by
5 Ms. Miller. (Ex. 1)
- 6 • A total of \$1,004.86 in expenditures were made to The Newport Miner
7 for newspaper political advertisements. (Ex. 12)
- 8 • A \$1,197.41 expenditure was made to Petroglyph Printing and Signs for
9 printing and mailing fees. (Ex. 13)
- 10 • Campaign yard signs were produced, although PDC Staff could not
11 determine the commercial advertiser that provided the service, the number
12 of signs produced, or the cost. (Ex. 14)
- 13 • Various other printed materials were created at unknown cost. (Ex. 15)

14 8. PDC Staff also verified the following contribution and fundraising activities that
15 were undertaken by Ms. Miller's Campaign:

- 16 • Contributions received from Norm Smith and Margaret Underwood,
17 (Respondent stated she knows her as Margaret Taylor). (Exs. 10 and 11)
- 18 • A Friday, July 13, 2018 fundraiser at the Hospitality House in Newport,
19 Washington. (Ex. 16)

20 9. On October 29, 2018, Margaret Underwood sent an email to the two email
21 addresses listed on the amended C-1 report filed by Ms. Miller, requesting a public inspection
22 of her campaign books of account. No response was provided by Ms. Miller. Ex. 10.

23 10. On October 31, 2018, Ms. Underwood left a telephone message for Ms. Miller at
24 the telephone number listed on the amended C-1 report, requesting a public inspection of her
25 campaign books of account. No response was provided by Ms. Miller. Ex. 10.

26 11. PDC Staff issued a subpoena to Ms. Miller that was electronically emailed and
sent via certified mail on January 10, 2019, requesting she provide documents for campaign
contribution and expenditure information. Ex. 5. The subpoena was successfully served on

1 Ms. Miller on March 14, 2019, at 564 Silver Birch Road, Newport, Washington 99156 by the
2 Sheriff. Ex. 6. No response or documents were provided to the PDC Staff by Ms. Miller in
3 response to the subpoena.

4 12. Despite repeated PDC Staff attempts to contact Ms. Miller, her participation in
5 the Case Status Review, and her October 18, 2018 email response indicating she would have all
6 reports filed by October 22, 2018, she failed to file the missing C-3 and C-4 reports, to work
7 with the PDC Staff to address the allegations, or to provide any response as to why she failed to
8 do so.

9 13. The public was deprived of Ms. Miller's contribution and expenditure
10 information for the entire 2018 election cycle.

11 14. Ms. Miller has one prior PDC violation, PDC Case 38998, for failing to file the
12 required Personal Financial Affairs Statement (F-1 report) within two weeks of declaring her
13 candidacy. Ms. Miller was assessed a \$250 civil penalty at a September 24, 2018, Brief
14 Adjudicative Proceeding payable within 30 days of the date of the Order. The Order was issued
15 on November 2, 2018, and suspended \$100 of the \$250 civil penalty if the F-1 report was filed
16 by the date of the Order and the \$150 non-suspended portion of the fine was paid within 30 days
17 of the date of the Order. Ms. Miller did not pay the non-suspended portion of the civil penalty;
18 the total amount of \$250 remains due and is in collections. Ex. 3.

19 15. Ms. Miller was also the Respondent in PDC Case #42715 because she failed to
20 include complete sponsor identification and party affiliation or party preference on political
21 advertising, as required by RCW 42.17A.320. She received a written warning on January 22,
22 2019, but was not assessed a penalty and the case was closed.

23 16. On June 10, 2019, PDC Staff issued a Notice of Administrative Charges, for PDC
24 Cases 39653 and 42884.

25 17. On June 10, 2019, an Enforcement Hearing Notice (Notice) was issued to Ms.
26 Miller notifying her that a hearing would be held on June 27, 2019 at 11:00 a.m. The Notice

1 was mailed to Sheryl Miller at P.O. Box 687, Newport, WA 99156, and was emailed to her at
2 rutersmysticwolf@gmail.com.

3 18. At the June 27, 2019 hearing Ms. Miller testified she did not comply with Staff
4 requests due to the unavailability of her Internet and phone services. She stated these have now
5 been resolved and confirmed that (509) 671-5858 was her correct phone number and that
6 rutersmysticwolf@gmail.com was her correct email address. She asserted that she did not
7 know Margaret Underwood, who requested review of her books of account, but did know a
8 Margaret Taylor who contributed to her campaign. She testified that she had blocked Ms. Taylor
9 from access to her internet and phone due to Ms. Taylor's alleged harassment and was unaware
10 of her request for records. Ms. Miller asserted she was not served with the Staff's subpoena on
11 March 14, 2019, despite the affidavit from the Sheriff's Office stating they had done so. She did
12 admit being served with the notice of hearing on June 20, 2019.

13 Ms. Miller further stated she is on a fixed Social Security income of \$770 per month and
14 could not afford to pay the \$5,000 civil penalty. She confirmed she has no plans to run again for
15 public office and agreed to follow up immediately after the hearing with PDC Staff to arrange
16 for submission of the required reports and to reach agreement on a payment schedule for the
17 non-suspended portion of the penalty. She agreed to respond to all PDC Staff emails and phone
18 calls within 24 hours until her obligations in this matter have been fulfilled.

19 20 **III. CONCLUSIONS OF LAW**

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

24 2. Based on the above Findings of Fact and hearing testimony, the Commission
25 concludes:

- 26
 - o Sheryl Miller violated RCW 42.17A.235(1), (2), and (3) by failing to timely file

1 Monetary Contribution reports (C-3 reports) and Summary Campaign
2 Contribution and Expenditure Reports (C-4 reports) disclosing contributions
3 received and expenditures made during the 2018 campaign.

- 4 ○ Sheryl Miller violated RCW 42.17A.235(4) by failing to allow a person
5 requesting to inspect the campaign books of account the opportunity to review
6 the information as required during the eight-day period preceding an election.
- 7 ○ Sheryl Miller violated RCW 42.17A.110 and WAC 390-16-043 by failing to
8 provide the campaign books of account to PDC staff pursuant to a subpoena duces
9 tecum issued by PDC Staff.

10 11 **IV. ORDER**

12 Based upon the Findings of Fact and Conclusions of Law, the Commission orders that:

- 13 1. Respondent Sheryl Miller is assessed a total civil penalty of \$5,000 with \$4,500
14 suspended on the following conditions:
 - 15 a. The missing C-3 and C-4 reports are filed with the PDC within 10 days
16 of the date of this Final Order.
 - 17 b. The non-suspended portion of the penalty (\$500) is paid by the
18 Respondent in accordance with a payment plan agreed to between the
19 Respondent and PDC Staff within 10 days of the date of this Final Order.
 - 20 c. The Respondent remains in full compliance with all PDC reporting
21 requirements and is not found to have committed any further violations of
22 Chapter 42.17A RCW or Title 390 WAC within four years of the date of
23 this Final Order. The suspended penalty shall not be assessed based solely
24 upon any remediable violation, minor violation, or error classified by the
25 Commission as appropriate to address by a technical correction.

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- 2. If the Respondent fails to comply with the filing of the C-3 and C-4 reports, fails to agree to a payment plan, or fails to make timely payment of the non-suspended portion of the penalty, the suspended portion of the penalty shall immediately become due without further action by the Commission.
- 3. Pursuant to RCW 42.17A.755(3)(d), if this Order is not satisfied and no petition for review is filed within thirty days, the Staff shall petition a court of competent jurisdiction of any county in which a petition for review could be filed under that jurisdiction, for an order of enforcement.

So ORDERED this 2nd day of July, 2019.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:



 Anne Levinson
 Chair, Public Disclosure Commission

Copy of this Order mailed and/or emailed to:

Sheryl Miller, Respondent
routersmysticwolf@gmail.com
Ph. (509) 671-5858;

Alice Fiman, PDC Staff; Alice.Fiman@pdc.wa.gov;

Chad Standifer, Assistant Attorney General, Counsel for PDC Staff (ChadS@atg.wa.gov)

I, Alice Fiman, 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.
Alice Fiman 7/3/19
 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,
711 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.

6 **NOTICE: PETITION FOR JUDICIAL REVIEW**

7 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
8 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
9 Order must be filed with the court and also served upon both the Commission and the Office of
the Attorney general within thirty (30) days after the date this Final Order is served upon you.

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