



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.pdca.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A	PDC Case 54838
Jennifer Tyler	Findings of Fact, Conclusions of Law, and Order Imposing Fine
Respondent.	

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to Jennifer Tyler by email and mail on November 20, 2020, a brief adjudicative proceeding was held remotely on December 3, 2020, telephonically via Microsoft Teams, to consider whether Jennifer Tyler violated: (1) RCW 42.17A.220 for accepting and retaining over-limit anonymous contributions; and (2) RCW 42.17A.235 by failing to file a Post General Election Summary Full Campaign Contribution and Expenditure (C-4) report.

The hearing was held in accordance with Chapters 34.05 RCW and 42.17A RCW and Chapter 390-37 WAC. Commission Chair David Ammons was the Presiding Officer. The Commission staff was represented by Alice Fiman, Compliance Officer. Jennifer Tyler did not participate in the hearing or submit any written materials in response to the hearing notice.

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

FINDINGS OF FACT

1. Jennifer Tyler filed a Candidate Registration (C-1) report with the PDC on September 10, 2018, declaring candidacy for Chelan County Sheriff, establishing the Tyler for Sheriff Campaign (Campaign) for the 2018 election.
2. Jennifer Tyler selected the Full Reporting Option and listed party preference as Independent. The Respondent was a first-time candidate for public office in 2018.
3. RCW 42.17A.220(4) states in part “accumulated unidentified contributions . . . , in excess of one percent of the total accumulated contributions received in the current calendar year, or three hundred dollars, whichever is more, may not be deposited, used, or expended, but shall be returned to the donor if his or her identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state and shall be paid to the state treasurer for deposit in the state general fund.”

4. On October 29, 2018, the Campaign filed a Monetary Contributions (C-3) report disclosing the receipt of a \$673 anonymous contribution received and deposited on October 22, 2018. This report also stated the Campaign received a total of \$721.25 in total aggregate anonymous contributions for the 2018 election cycle.
5. The Campaign exceeded the \$300 anonymous contribution limits as detailed in RCW 42.17A.220 by \$421.25.
6. The final C-4 report filed by the Campaign was the 7-Day Pre-General Election C-4 report, filed November 1, 2018, disclosing \$18,273.87 in total contributions received, \$13,962 in total expenditures made, with \$4,311.76 in cash on hand, \$6,000 in liabilities and debts and obligations totaling \$1,688.24.
7. The Respondents Campaign failed to file the statutorily required Post-General Election C-4 report due no later than December 10, 2018.

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. Jennifer Tyler violated RCW 42.17A.220 for accepting and retaining over-limit anonymous contributions, and not escheating the overage to the Washington State General Fund as required.
3. Jennifer Tyler violated RCW 42.17A.235 by failing to file a Post Summary Full Campaign Contribution and Expenditure (C-4) report which was due to be filed no later than December 10, 2018.

ORDER

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

IT IS HEREBY ORDERED Jennifer Tyler is assessed a civil penalty of \$571.25 in accordance with RCW 42.17A and the Brief Enforcement penalty schedule set forth in WAC 390-37-143. The \$571.25 civil penalty assessed by the Presiding Officer is broken down as follows:

- 1. \$421.25 of the civil penalty was assessed for the violation of RCW 42.17A.220 for exceeding the anonymous contribution limits and failing to escheat the overage to the Washington State General Fund.**
- 2. \$150 of the civil penalty was assessed for the violation of RCW 42.17A.235 for failing to file a Post General Election Summary Full Campaign Contribution and Expenditure report (C-4 report).**

The \$571.25 civil penalty assessed in this matter is payable within 30 days of the date of this Order.

In the event the Respondent fails to pay the \$571.25 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 total collection of the amount owed.

This is an **Initial Order** of the Public Disclosure Commission.¹

Entered this 14th day of December 2020.

Public Disclosure Commission

Electronically signed, Peter Lavallee
Peter Lavallee
Executive Director

I, AGENT NAME, certify that I e-mailed and mailed a copy of this order to the Respondent at their respective address postage pre-paid on the date stated herein.

Electronically signed, Alice Fiman
Signed

December 14, 2020
Date

¹ The calculation of the penalty amount imposed by this order has been corrected due to this being the Respondent's first violation rather than the second violation and is less than the amount referenced at hearing.

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request orally or in writing, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1). Staff may ask for written confirmation of oral requests for review.
- **REQUESTS FOR REVIEW MUST BE RECEIVED AT THE COMMISSION OFFICE WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE POSTMARK DATE OF THIS INITIAL ORDER.** Written requests for review should be delivered or mailed to the Washington State Public Disclosure Commission, 711 Capitol Way, Room 206, Box 40908, Olympia, WA 98504-0908.

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the final order. *See* WAC 390-37-142(5).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.552.