



**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.pdc.wa.gov

Martin Morgan
PO Box 2181
Kirkland WA 98083

Also delivered electronically to “martinmorgan77@gmail.com”

August 11, 2021

Subject: PDC Order Case Number 58694

Dear Mr. Morgan,

Enclosed is a copy of the Public Disclosure Commission’s Final Order On Request for Reconsideration, that was entered in the above-referenced case.

At the July 22, 2021, enforcement hearing, the Commission ordered a \$400 civil penalty with \$200 suspended assessed in accordance with WAC 390-37-182. The \$200 suspended portion will not be due so long as the conditions described in the Order are met.

The \$200 non-suspended portion of the penalty is due within 30 days of the date of this Order, which is **September 10, 2021**. The Order allows you to make reasonable payment arrangements with PDC staff to pay the \$200 non-suspended portion of the penalty in lieu of a payment in full within 30 days.

PDC staff request you confirm any requested payment arrangements, in writing, within 14 days of the date of this Order or by no later than **August 25, 2021**.

Please make checks or money orders payable to “WA State Treasurer” and mail to:

**Public Disclosure Commission
PO Box 40908
Olympia WA 98504-0908**

Thank you for your prompt attention. If you have questions, please contact me by email at pdcc@pdcc.wa.gov or by phone at (360) 586-4560.

Sincerely,

Electronically signed
Jennifer Hansen
Compliance Officer

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

7 In Re: The Matter of Enforcement Action
8 Against:

9 MARTIN MORGAN,
10 Respondent.
11

PDC CASE NO. 58694

FINAL ORDER ON REQUEST
FOR RECONSIDERATION

12 This matter was heard by the Washington State Public Disclosure Commission
13 (Commission) on July 22, 2021, in-person and by telephonic and online streaming access.
14 Martin Morgan (Respondent), requested review of the Presiding Officer's Order issued on
15 January 29, 2020, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) in
16 this matter. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and
17 Chapter 390-37 WAC. The request for review was converted by rule to an initial hearing on
18 reconsideration and was held March 26, 2020. That hearing was continued by the Commission
19 in an Order dated March 31, 2020, to accommodate Mr. Morgan's request for an in-person
20 hearing due to his ongoing technical issues.

21 Commissioners present in-person were Fred Jarrett, Commission Chair (presiding);
22 Nancy Isserlis, Commission Vice-Chair; and Commissioner William Downing. Also present
23 both telephonically and online were Assistant Attorney General John S. Meader representing the
24 Commission, Assistant Attorney General Chad Standifer, representing PDC Staff, and Jennifer
25 Hansen, PDC Compliance Officer. Respondent Martin Morgan appeared in-person on his own
26 behalf. The proceeding was open to the public as limited by Governor's Proclamation 20-28 *et*

1 | *seq.* and recorded.

2 | The Commissioners had before them the following materials:

- 3 | 1. Case memorandum dated July 14, 2021, prepared by Jennifer Hansen, PDC
4 | Compliance Officer;
- 5 | 2. Initial Order, PDC Case #16-210, entered August 21, 2015;
- 6 | 3. Candidate Registration (C-1 report) for Martin Morgan, filed October 15, 2015;
- 7 | 4. Complaint against Martin Morgan, PDC Case #58694, received October 10, 2019;
- 8 | 5. Martin Morgan's response and request for technical assistance, dated October 18,
9 | 2019, and October 21, 2019;
- 10 | 6. Candidate Registration (C-1 report) for Martin Morgan, filed October 24, 2019;
- 11 | 7. Statement of Understanding sent electronically on November 13, 2019;
- 12 | 8. Initial hearing letter (Case Status Review Hearing) after opening a formal
13 | investigation, dated January 6, 2020, PDC Case #58694;
- 14 | 9. Brief Adjudicative Proceeding (Brief Enforcement Hearing) Notice and Statement of
15 | Understanding dated January 13, 2020;
- 16 | 10. Findings of Fact, Conclusions of Law, and Order Imposing Fine entered January 29,
17 | 2020, PDC Case #58694;
- 18 | 11. Respondent's written Request for Review of Order, dated March 11, 2020;
- 19 | 12. Reconsideration Hearing Notice, dated March 13, 2020;
- 20 | 13. Order for Continuance on Request for Reconsideration, entered March 31, 2020;
- 21 | 14. Continuance of Request for Reconsideration Hearing Notice, dated July 12, 2021.

22 |
23 | **I. FINDINGS OF FACT**
24 |

25 | The matter involved Martin Morgan's request that the Commission reconsider a Final
26 | Order issued on January 29, 2020, resulting from an Initial Hearing on January 23, 2020,

1 regarding his candidacy for Kirkland City Council. The Presiding Officer at the Brief
2 Adjudicative Proceeding found Mr. Morgan in violation of RCW 42.17A.205 and RCW
3 42.17A.700 for failing to timely file his C-1 and F-1 reports in 2019, and also found him in
4 violation of the conditions of an Order entered on August 21, 2015, in PDC Case #16-210.

5 1. Martin Morgan was a candidate for City Council Member for the City of
6 Kirkland. He declared his candidacy with the King County Auditor's Office during filing week
7 of May 11-15, 2015, making the Candidate Registration Report (C-1) due no later than June 1,
8 2015.

9 2. On August 13, 2015, the PDC held a Brief Adjudicative Proceeding to determine
10 whether Mr. Morgan had violated RCW 42.17A.205 by failing to timely file the C-1 report.

11 3. The Presiding Officer found one violation of RCW 42.17A.205 and assessed a
12 \$100 civil penalty in accordance with WAC 390-37-165 (now WAC 390-37-143) and suspended
13 the entire amount on the condition the Respondent committed no further violations of Chapter
14 42.17A RCW for four years after the date the order was entered on August 21, 2015.

15 4. Mr. Morgan filed the missing C-1 report on October 15, 2015, 136 days beyond
16 the statutory deadline required by RCW 42.17A.205.

17 5. On October 10, 2019, the PDC received a complaint filed by Dave Asher alleging
18 that Mr. Morgan had violated RCW 42.17A.205 for failure to timely file a C-1 report due within
19 two weeks of becoming a candidate.

20 6. Mr. Morgan was a candidate for City Council Member for the City of Kirkland
21 in the August 9, 2019, primary election, declaring his candidacy with the King County Auditor's
22 Office on May 20, 2019, making the C-1 and F-1 reports due no later than June 3, 2019.

23 7. Technical problems with the electronic Campaign Registration filing system were
24 identified by the PDC from May 13, through June 12, 2019, which prevented or delayed filers'
25 ability to timely file. Filing requirements were suspended during this period pursuant to RCW
26 42.17A.055, and the reporting period was extended so reports were due no later than June 13,

1 | 2019.

2 | 8. PDC staff sent two email reminders, on June 24, and July 11, 2019, to candidates
3 | who had failed to file a C-1 or F-1 report, or both.

4 | 9. On August 15, 2019, Mr. Morgan filed the F-1 report, 73 days beyond the
5 | statutory deadline required by RCW 42.17A.700.

6 | 10. On October 18, 2019, and October 21, 2019, PDC staff received an initial
7 | response from Mr. Morgan regarding the allegations in PDC Case #58694, confirming receipt of
8 | the complaint and requesting technical assistance in order to complete the C-1 report.

9 | 11. On October 24, 2019, Mr. Morgan filed the C-1 report 143 days beyond the
10 | statutory deadline required by RCW 42.17A.205.

11 | 12. On November 13, 2019, PDC staff sent, via electronic mail, a Statement of
12 | Understanding (SOU) to Mr. Morgan for review. The SOU provided Mr. Morgan the option to
13 | avoid further enforcement action by paying a \$300 penalty including: (1) a \$100 penalty for the
14 | acknowledged violation of the conditions of the Order entered in PDC Case #16-210; (2) a \$150
15 | penalty for the acknowledged violation of RCW 42.17A.205 for failing to file the C-1 within
16 | two weeks of declaring candidacy for Kirkland City Council in 2019; and (3) a \$50 penalty for
17 | the acknowledged violation of RCW 42.17A.700 for failing to file the Personal Financial Affairs
18 | Statement (F-1) within two weeks of declaring candidacy for Kirkland City Council in 2019.

19 | 13. PDC staff opened a formal investigation and held an Initial Hearing (Case Status
20 | Review Hearing) on January 6, 2020, pursuant to RCW 42.17A.755 as well as WAC 390-37-
21 | 060 and 390-37-071.

22 | 14. On January 13, 2020, PDC staff served Mr. Morgan by U.S. mail and electronic
23 | mail, with a hearing notice for a Brief Adjudicative Proceeding to be held on January 23, 2020,
24 | concerning the alleged violations of RCW 42.17A.205 and 42.17A.700.

25 | 15. On January 23, 2020, a Brief Adjudication was held in which the Presiding
26 | Officer found Mr. Morgan in violation of RCW 42.17A.205 for failing to timely file a C-1 report

1 and RCW 42.17A.700 for failing to timely file an F-1 report, within two weeks of declaring
2 candidacy, or no later than June 13, 2019. Mr. Morgan was also found to have violated the
3 conditions of the Order entered on August 21, 2015, in PDC Case #16-210.

4 16. Mr. Morgan was assessed a civil penalty of \$300 for violations of RCW
5 42.17A.205 and .700 for PDC Case #58694 and \$100 for the reinstated penalty that was
6 suspended for violation of RCW 42.17A.205 in PDC Case #16-210.

7 17. Mr. Morgan called the PDC on February 20, 2020, leaving three voicemails that
8 requested review of the Initial Order in PDC Case #58694 entered on January 29, 2020. Staff
9 confirmed his request had been timely received and would be heard at the next scheduled
10 Commission meeting.

11 18. Staff confirmed with Mr. Morgan that the PDC had the correct email address for
12 him and informed him that email was the official means of communication with the PDC. Mr.
13 Morgan stated that he had difficulty using email because he did not own a computer.

14 19. Staff requested that Mr. Morgan send a written request for a review of PDC Case
15 #58694 as soon as possible and Mr. Morgan stated this would take a couple of days considering
16 he did not have a computer. Staff agreed to provide additional time to Mr. Morgan to provide
17 his official written response.

18 20. PDC staff sent three documents by U.S. postal service and electronic mail to Mr.
19 Morgan. They included a Brief Enforcement Hearing Notice dated January 13, 2020, the Initial
20 Order for PDC Case #58694 dated January 29, 2020, and the penalty invoice from the
21 Department of Enterprise Services mailed on January 30, 2020, or immediately thereafter.

22 21. On February 21, 2020, PDC staff sent Mr. Morgan an email confirming that his
23 request for review was timely and scheduling his hearing for the March 26, 2020, Commission
24 meeting. The email also requested Mr. Morgan submit a written request for review of Case
25 #58694 no later than February 29, 2020.

26 22. On March 6, 2020, PDC staff emailed Mr. Morgan regarding the status of his

1 written request and gave him an extended due date of March 10, 2020. Staff followed up with a
2 phone call reminding him to provide the written request to the PDC.

3 23. Mr. Morgan provided an official written request for review of PDC Case #58694
4 by email on March 11, 2020.

5 24. On March 13, 2020, PDC staff served Mr. Morgan by electronic and U.S. mail
6 with a hearing notice for a Reconsideration Hearing to be held on March 26, 2020, concerning
7 reconsideration of the order entered on January 29, 2020. PDC staff followed up on March 17,
8 2020, by telephone to confirm Mr. Morgan's participation in the hearing.

9 25. The Reconsideration Hearing on March 26, 2020, was held telephonically and
10 through online access. Each of the Commissioners, the PDC Compliance Officer, and the
11 Respondent appeared remotely. Various technical issues made it unclear whether Mr. Morgan
12 heard the entirety of the hearing or was able to be fully heard by each Commissioner.

13 26. On March 31, 2020, the Commission entered an Order for Continuance of
14 Request for Reconsideration in PDC Case #58694. The Order withdrew the Commission's vote
15 to deny reconsideration of the matter and ordered that the hearing be continued to the April 23,
16 2020, meeting of the Commission. Mr. Morgan was served with the order on March 31, 2020,
17 by electronic mail.

18 27. Due to the April 23, 2020, meeting of the Commission being held remotely
19 pursuant to the Governor's Emergency Proclamation 20-28 waiving in-person meeting
20 requirements, and due to Mr. Morgan's continuing technical issues and his difficulty
21 participating in a remote hearing, the Commission continued the Reconsideration hearing
22 indefinitely until in-person Commission meetings could be safely resumed.

23 28. On July 12, 2021, PDC staff serviced Mr. Morgan by U.S. mail, with a hearing
24 notice for the continued Reconsideration Hearing to be held on July 22, 2021, concerning his
25 original request for reconsideration of the order entered January 29, 2020.
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2 **II. CONCLUSIONS OF LAW**

3 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
4 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the
5 Administrative procedure Act; and Title 390 WAC.

6
7 2. The Respondent violated RCW 42.17A.205 for failing to timely file a C-1
8 report and RCW 42.17A.700 for failing to timely file an F-1 report, within two weeks
9 of declaring candidacy, including the extension provided by the PDC for its technical
10 issues. The reports were due no later than June 13, 2019. Respondent also violated the
11 conditions of the Commission’s Order suspending penalties entered on August 21,
12 2015, in PDC Case #16-210 for failing to file the C-1 report no later than June 1, 2015.

13
14 **III. ORDER**

15 The Request for Reconsideration is GRANTED. This Order on Reconsideration will be
16 the Final Order. The Findings of Fact and Conclusions of Law are AFFIRMED and the \$400
17 civil penalty assessed by the January 29, 2020, Initial Order is MODIFIED as follows:

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19 1. The Respondent shall pay a total civil penalty of \$400 with \$200 suspended on
20 the following conditions:

21
22 a. Respondent is not found to have committed any further violations of
23 Chapter 42.17A RCW or Title 390 WAC, within four years of the date of
24 the Final Order in this matter. The suspended penalty shall not be
25 assessed based solely upon any remediable violation, minor violation, or
26 error classified by the Commission as appropriate to address by a

1 technical correction.

2 b. The Respondent is in compliance with all reporting requirements.

3 c. The non-suspended portion of the penalty (\$200) is paid by the
4 Respondent within 30 days of the date of the Final Order in this matter
5 or as arranged by the PDC in regular installments. If the Respondent
6 fails to make timely payment of the non-suspended portion of the
7 penalty, the \$200 suspended portion of the \$400 total civil penalty shall
8 immediately become due without further action by the Commission.
9

10 SO ORDERED this __11th__ day of August, 2021.
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12
13 WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

14 FOR THE COMMISSION:

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16 

17 Fred Jarrett,
Chair, Public Disclosure Commission
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19
20 I, Jennifer Hansen, certify that I emailed a copy of this
order to the Respondent at his respective email address.

21 Jennifer Hansen 8/11/2021
22

23 *This order sent by email to:*

24 Martin Morgan, Respondent
25 martinmorgan77@gmail.com

26 Jennifer Hansen,
PDC Compliance Officer,
Jennifer.Hansen@pdc.wa.gov

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NOTICE: PETITION FOR JUDICIAL REVIEW

You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final 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.