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

9 In Re: The Matter of Enforcement Action
10 Against:

11 DANA KINSEY,
12 Respondent.
13

PDC CASE NO. 76878

FINAL ORDER ON REQUEST
FOR RECONSIDERATION

14 This matter was heard remotely by the Washington State Public Disclosure Commission
15 (Commission) on January 28, 2021, by telephonic and online streaming access. Dana Kinsey
16 (Respondent), requested reconsideration of the Presiding Officer's Order issued on October 21,
17 2020, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) in this matter.
18 The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37
19 WAC.

20 Commissioners present both telephonically and online were Fred Jarrett, Commission
21 Chair (presiding); Nancy Isserlis, Commission Vice-Chair; and Commissioner Russell Lehman.
22 Also present both telephonically and online were Assistant Attorney General John S. Meader
23 representing the Commission, Assistant Attorney General Chad Standifer, representing PDC
24 Staff, and Tabatha Blacksmith, PDC Compliance Coordinator 2, and Respondent Dana Kinsey
25 appearing on her own behalf. The proceeding was open to the public as limited by Governor's
26 Proclamation 20-28 *et seq.* and recorded.

1 The Commissioners had before them the following materials:

- 2 1. Case memorandum dated January 28, 2021, prepared by Tabatha Blacksmith, PDC
3 Compliance Coordinator 2;
- 4 2. Signed Statement of Understanding, PDC Case 22114, received August 11, 2017;
- 5 3. Brief Enforcement Hearing Notice, PDC Case 76878, served September 23, 2020,
6 (amended and original);
- 7 4. C-1 and F-1 reports, PDC Case 76878, filed by Respondent on September 23, 2020;
- 8 5. Respondent emails and PDC responses, PDC Case 76878, October 25, 2020, to
9 October 28, 2020;
- 10 6. PDC email and Initial Order Imposing Fine, entered November 25, 2020;
- 11 7. Respondent's email request for reconsideration, dated November 29, 2020, and the
12 PDC's response dated December 1, 2020;
- 13 8. Reconsideration Enforcement Hearing Notice, served January 11, 2021;
- 14 9. Respondent email dated January 19, 2021, confirming phone participation in the
15 Reconsideration Hearing.

16 17 **I. FINDINGS OF FACT**

18 The matter involved Respondent's request that the Commission reconsider a Final Order
19 issued on November 25, 2020, resulting from an Initial Hearing on October 21, 2020, regarding
20 Dana Kinsey, a candidate for San Juan County Charter Review Commissioner, Residency
21 District 2, during election year 2020. The Presiding Officer at the Brief Adjudicative Proceeding
22 found the Respondent in violation of RCW 42.17A.205 and .700 for failure to timely file a
23 Candidate Registration (C-1 Report) and Personal Financial Affairs Statement (F-1 Report)
24 within two weeks of candidacy or no later than June 1, 2020, as required. Respondent has one
25 prior violation of RCW 42.17A.700 for failure to file a F-1 Report in 2017, disclosing financial
26 activity for 2016, which was resolved via a Statement of Understanding (PDC Case 22114). Due

1 to the prior violation, the Presiding Officer imposed a civil penalty of \$500.

2 The basis of Respondent's Request for Reconsideration was that she was unaware of the
3 repeated notices sent to her by the PDC prior to the hearing and, in her November 29, 2020,
4 response she indicated the PDC filing system was "difficult and cumbersome" to use.

5
6 1. PDC staff attempted to contact the Respondent by sending three emails on May
7 28, June 4, and June 9, 2020, reminding her of her responsibility to file C-1 and F-1
8 reports. These reports were sent to the contact emails provided by filers on their PDC
9 reports. Starting June 15, 2020, PDC staff also began contacting candidates by phone
10 regarding their missing reports.

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12 2. On July 17, 2020, PDC staff sent warning letters by electronic and U.S. mail to
13 candidates informing them of how to avoid potential enforcement and fines. The
14 warning letters were mailed to the addresses provided by filers on their PDC reports.

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16 3. A Hearing Notice was mailed to the Respondent to her address of record (P.O.
17 Box 218, Eastsound, WA 98245) on September 22, 2020, for a Brief Adjudicative
18 Proceeding (Brief Enforcement Hearing) to be held October 21, 2020.

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20 4. A Hearing Notice was sent to the Respondent's email address
21 (dnkinsey@gmail.com) on September 23, 2020, and offered an opportunity to avoid an
22 enforcement hearing by signing a Statement of Understanding, filing the missing
23 reports, and paying a \$100 civil penalty (per report) no later than October 15, 2020.

1 5. On September 23, 2020, the Respondent filed the missing C-1 and F-1 Reports.
2 The filing occurred after the hearing notice was served but within 24 hours of email
3 transmission.
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5 6. At the Brief Enforcement Hearing on October 21, 2020, Respondent was found
6 in violation of RCW 42.17A.205 and .700 and was assessed a \$500 penalty consistent
7 with WAC 390-37-143, the Brief Enforcement Hearing penalty schedule adopted by
8 the Commission.
9

10 7. Between October 25, 2020, and October 28, 2020, the Respondent
11 communicated with PDC staff about the filing requirements and penalties.
12

13 8. On November 25, 2020, PDC staff served the Initial Order memorializing the
14 Commission's ruling by electronic mail and U.S. mail to the contact email address and
15 U.S. mail address provided by the Respondent.
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17 9. On November 29, 2020, Respondent requested an appeal of the Initial Order on
18 the basis of her attempts to work with PDC staff and offered to pay the civil penalty
19 levied after the hearing but prior to the order. She stated she found the PDC system
20 "difficult and cumbersome" to use.
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22 10. PDC staff served Respondent with a hearing notice on January 11, 2021, for the
23 Reconsideration Hearing. On January 19, 2021, Respondent replied and confirmed her
24 willingness to telephonically attend the hearing on January 28, 2021.
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As a result of Respondent's efforts to contact PDC staff after the hearing and the denial of review in accordance with WAC 390-37-144(4), the Request for Reconsideration is GRANTED. This Order on Reconsideration will be the Final Order. The Findings of Fact, Conclusions of Law, and the \$500 civil penalty assessed at the October 21, 2020, Initial Hearing are AFFIRMED.

1. The \$500 civil penalty is payable within 30 days of the date of the Order.
2. In the event the Respondent fails to pay the \$500 civil penalty within 30 days of the date of the Order, PDC staff is directed to refer the matter to collections without further action of the Commission.

WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION

~~Lawrence~~

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<u>e-signed Tabatha Blacksmith</u>	<u>2/9/2021</u>
Signed	Date

This order sent by email to:

Dana Kinsey, Respondent
dnkinsey@gmail.com

Tabatha Blacksmith,
PDC Compliance Coordinator 2,
Tabitha.Blacksmith@pdc.wa.gov

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.