



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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

September 21, 2021

Delivered electronically to pdlykken@gmail.com and purkeyk@outlook.com

Subject: Washington Court Reporters Assn. – Final Order PDC Case 91597

Dear Washington Court Reporters Association:

Enclosed is a copy of the Public Disclosure Commission's Final Order on Request for Review that was entered in the above-referenced case. At the August 26, 2021 Reconsideration hearing, the Commission granted the Request for Reconsideration and modified the Initial Order. The original \$500 civil penalty assessed at the July 1, 2021 Brief Enforcement Hearing in accordance with WAC 390-37-143 is modified to a \$500 civil penalty with \$300 suspended. The \$200 non-suspended portion of the penalty is due within 30 days of the date of the Final Order.

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

Sincerely,

Electronically Signed by Jennifer Hansen
PDC Compliance Officer

Enclosure: Final Order

1
2
3
4
5
6
7
8
9
10
11
12

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

In Re: The Matter of Enforcement Action
Against:

WASHINGTON COURT REPORTERS
ASSOCIATION,

Respondent.

PDC CASE NO. 91597

FINAL ORDER ON REQUEST
FOR RECONSIDERATION

13
14
15
16
17
18
19
20
21
22
23
24
25
26

This matter was heard by the Washington State Public Disclosure Commission (Commission) on August 26, 2021, by telephonic and online streaming access. Washington Court Reporters Association (Respondent), requested review of the Presiding Officer's Order issued on July 1, 2021, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) in this matter. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis, Commission Vice-Chair; and Commissioner William Downing. Also present both telephonically and online were Assistant Attorney General Matthew Kernutt representing the Commission, Assistant Attorney General Chad Standifer, representing PDC Staff, and Jennifer Hansen, PDC Compliance Officer. The Respondent did not appear on its own behalf. The proceeding was open to the public as limited by Governor's Proclamation 20-28 *et seq.* and recorded.

1 The Commissioners had before them the following materials:

2 1. Case memorandum dated August 18, 2021, prepared by Tabitha Townsend, PDC

3 Compliance Officer;

4 2. Warning Letter, PDC Case #91597, served April 5, 2021;

5 3. Brief Enforcement Hearing Notice, PDC Case #91597, served electronically June 2,
6 2021, and by U.S. Postal mail June 1, 2021;

7 4. Initial Order Imposing Fine, PDC Case #91597, entered July 30, 2021;

8 5. L-3 reports, PDC Case #91597, covering calendar years 2019 and 2020, filed August
9 3, 2021;

10 6. Respondent's written Request for Reconsideration, dated August 5, 2021;

11 7. Reconsideration Hearing Notice, PDC Case #91597, served August 18, 2021.

12
13 **I. FINDINGS OF FACT**
14

15 This matter involves the Washington Court Reporters Association (Respondent), a
16 lobbyist employer who first registered with the PDC in December, 2019. The Respondent is
17 currently contracted to lobby through the end of December, 2022. During a Brief Enforcement
18 Hearing held on July 1, 2021, Respondent was found to have violated RCW 42.17A.630 for
19 failure to timely file a Lobbyist Employer Annual Expense report with the PDC. The report
20 disclosing 2019 and 2020 lobbying activities was due to be filed no later than March 2, 2020,
21 and March 1, 2021, respectively. At the Brief Enforcement Hearing an Order imposing a \$250
22 per report penalty (\$500 total) was entered.

23 1. The L-3 report is required by RCW 42.17A.630 to be filed no later than the end
24 of February of each calendar year, disclosing lobbying activities in the previous calendar year.

25 2. The Respondent's L-3 report disclosing lobbying activity in calendar year 2019
26 was due to be filed no later than March 2, 2020.

1 3. The Respondent's L-3 report disclosing lobbying activity in calendar year 2020
2 was due to be filed no later than March 1, 2021.

3 4. On March 16, 2021, PDC staff sent reminders to all lobbyist employers reminding
4 them of their past due responsibility to file an L-3 report for calendar year 2020. These reminder
5 notices were sent to the contact emails provided by filers in the electronic lobbyist filing
6 application.

7 5. On April 5, 2021, PDC staff sent warning letters by U.S. Mail to all lobbyist
8 employers warning them to file their overdue L-3 reports no later than May 5, 2021, to avoid
9 potential enforcement action and fines. The warning letters were mailed to the addresses
10 provided by filers in the electronic lobbyist filing application.

11 6. On June 2, 2021, PDC staff emailed a hearing notice for a July 1, 2021, Brief
12 Adjudicative Proceeding (Brief Enforcement Hearing) to Respondents at pclykken@gmail.com.

13 7. The hearing notice was also sent by U.S. Mail to "917 Triple Crown Way, Suite
14 200, Yakima WA 98908." Both notices offered the Respondent an opportunity to sign a
15 Statement of Understanding, file the missing reports, and pay a \$100 civil penalty no later than
16 June 23, 2021, to avoid an enforcement hearing.

17 8. At the Brief Enforcement Hearing held on July 1, 2021, the Respondent was
18 found in violation of RCW 42.17A.630 for failure to timely file the L-3 reports no later than
19 March 2, 2020, and March 1, 2021, respectively. Respondent was assessed a \$250 penalty per
20 report (\$500 total), consistent with WAC 390-37-143, the Brief Enforcement Hearing penalty
21 schedule adopted by the Commission.

22 9. On August 2, 2021, PDC staff served the Initial Order to pclykken@gmail.com,
23 the contact email address originally provided in the electronic lobbyist employer filing
24 application. On July 30, 2021, the Order was also sent by U.S. Mail to "917 Triple Crown Way,
25 Suite 200, Yakima WA 98908."

26 10. On August 3, 2021, the Respondent filed the missing L-3 reports for calendar

1 years 2019 and 2020, including disclosure of candidate contributions and lobbyist compensation.

2 11. On August 5, 2021, PDC staff received an email request to review the penalty
3 assessed at the July 1, 2021, hearing of \$250 per report (\$500 total).

4 12. On August 18, 2021, PDC staff served the Respondent with a hearing notice for
5 an August 26, 2021, Reconsideration Hearing before the Public Disclosure Commission, along
6 with instructions on how to participate in the hearing remotely.

7 8 **II. CONCLUSIONS OF LAW**

9 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
10 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the
11 Administrative procedure Act; and Title 390 WAC.

12
13 2. The Respondent violated RCW 42.17A.630 by failing to timely file L-3 reports
14 for calendar years 2019 and 2020 that were due no later than March 2, 2020, and March
15 1, 2020, respectively.

16 17 **III. ORDER**

18 The Request for Reconsideration is GRANTED. This Order on Reconsideration will be
19 the Final Order. The Findings of Fact and Conclusions of Law are AFFIRMED and the \$500
20 civil penalty assessed by the July 1, 2021, Initial Order is MODIFIED as follows:

21
22 1. The Respondent shall pay a total civil penalty of \$500 with \$300 suspended on
23 the following conditions:

24
25 a. Respondent is not found to have committed any further violations of
26 Chapter 42.17A RCW or Title 390 WAC, within four years of the date of

the Final Order in this matter. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.

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

c. The non-suspended portion of the penalty (\$200) is paid by the Respondent within 30 days of the date of the Final Order in this matter or as arranged by the PDC in regular installments. If the Respondent fails to make timely payment of the non-suspended portion of the penalty, the \$300 suspended portion of the \$500 total civil penalty shall immediately become due without further action by the Commission.

SO ORDERED this 20th day of September, 2021.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:

~~Frank Forrest~~

Fred Jarrett,
Chair, Public Disclosure Commission

This order sent by email to:

Washington Court Reporters Association,
Respondent
pclykken@gmail.com

Jennifer Hansen,
PDC Compliance Officer,

I, Jennifer Hansen, certify that I emailed a copy of this order to the Respondent at his respective email address.

Jennifer Hansen September 21, 2021
Signed Date

Jennifer.Hansen@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.