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

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

9 DALE THORNTON,
10 Respondent.
11

PDC CASE NO. 93983
FINAL ORDER ON
RECONSIDERATION

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13 This matter was heard at a Special Meeting of the Washington State Public Disclosure
14 Commission (Commission) on October 12, 2021, by telephonic and online streaming access.
15 Dale Thornton (Respondent), requested reconsideration of the Presiding Officer's Order, issued
16 following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) held July 15, 2021. The
17 hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37
18 WAC.

19 Commissioners present were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis,
20 Commission Vice-Chair; and Commissioners William Downing and Allen Hayward. Also
21 present both telephonically and online were Assistant Attorney General John S. Meader
22 representing the Commission, Assistant Attorney General Chad Standifer, representing PDC
23 Staff, and Tabitha Townsend, PDC Compliance Coordinator. The Respondent was provided
24 notice and did not appear on his own behalf. The proceeding was open to the public as limited
25 by Governor's Proclamation 20-28 *et seq.* and recorded.

26 The Commissioners had before them the following materials:

1 1. Case memorandum dated October 4, 2021, prepared by Tabitha Townsend, PDC

2 Compliance Coordinator;

3 2. Order from prior F-1 violation, Case 80188, dated January 11, 2021;

4 3. Brief Adjudicative Proceeding, Case 93983, Hearing Notice emailed June 28, 2021;

5 4. Order from July 15, 2021, hearing served August 16, 2021;

6 5. Request for reconsideration, Case 93983, dated August 16, 2021;

7 6. Financial Affairs Statement (CY 2020), filed July 2, 2021;

8 7. Reconsideration Hearing Notice emailed October 4, 2021;

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10 **I. FINDINGS OF FACT**

11 This matter involves Dale Thornton (Respondent), a School Director for Kiona Benton
12 School District 052, during calendar year 2020. During a Brief Enforcement Hearing held on
13 July 15, 2021, Respondent was found to have violated RCW 42.17A.700 for failure to timely
14 file a Personal Financial Affairs Statement (F-1 Report) no later than April 15, 2021. At the
15 Brief Enforcement Hearing an Order imposing a \$300 civil fine, with \$150 suspended, was
16 entered.

17 1. Pursuant to RCW 42.17A.700, an elected or appointed official who held office in
18 2020 was required to file an F-1 report, disclosing financial information for calendar year 2020,
19 no later than April 15, 2021.

20 2. The Respondent has one prior violation of RCW 42.17A.700 with the PDC, Case
21 80188. The prior F-1 was for calendar year 2019 and was due April 15, 2020. Respondent paid
22 the penalty on February 18, 2021, and the CY 2019 F-1 was filed on July 2, 2021.

23 3. Between February and May of 2021, PDC staff sent email reminders to all elected
24 and appointed officials regarding their missing F-1 reports for calendar year 2020. The notice
25 was sent to the Respondent's email address of record.

26 4. On May 11, 2021, PDC staff emailed warning letters to elected and appointed

1 officials regarding their missing F-1 reports for calendar year 2020.

2 5. On June 28, 2021, PDC staff emailed a hearing notice for a July 15, 2021, Brief
3 Adjudicative Proceeding (Brief Enforcement Hearing) to Respondent's email address of record.

4 6. At the Brief Enforcement Hearing held on July 15, 2021, the Respondent was
5 found in violation of RCW 42.17A.700 for failure to timely file the F-1 report no later than April
6 15, 2021. Respondent was assessed a \$300 penalty consistent with WAC 390-37-143, the Brief
7 Enforcement Hearing penalty schedule adopted by the Commission. The Presiding Officer
8 suspended \$150 of the \$300 penalty conditioned upon the Respondent filing the missing F-1
9 report and paying the non-suspended \$150 penalty within 30 days of the Initial Order being
10 served.

11 7. On August 16, 2021, PDC staff served the Initial Order to the Respondent's email
12 address of record.

13 8. On August 16, 2021, Respondent submitted written materials to PDC staff
14 appealing the July 15, 2021, Initial Order based on the fact he had medical issues and was
15 unaware of the hearing or the penalty.

16 9. PDC staff emailed Respondent the Reconsideration Hearing Notice on October
17 4, 2021, along with instructions on how to participate in the October 12, 2021, hearing remotely.

18 10. The Respondent filed the missing F-1 report covering calendar year 2020 activity
19 on July 2, 2021.

20 21 **II. CONCLUSIONS OF LAW**

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

2. The Respondent violated RCW 42.17A.700 by failing to timely file the F-1 report for calendar year 2020 that was due no later than April 15, 2021.

III. ORDER

The Request for Reconsideration is DENIED. This order shall be the Final Order. The civil penalty of \$300, with \$150 suspended, imposed at the August 12, 2021, hearing is affirmed.

SO ORDERED this __8th__ day of November, 2021.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:



Fred Jarrett,
Chair, Public Disclosure Commission

This order sent by email to:

Dale Thornton, Respondent
det@aol.com
dale.thornton@kibesd.org

Tabitha Townsend,
PDC Compliance Coordinator,
pdcc@pdc.wa.gov

I, ___Tabitha Townsend___, certify that I emailed and mailed a copy of this order to the Respondent at his respective email and mailing addresses.

<u>Electronically Signed Tabitha Townsend</u>	<u>11/9/2021</u>
Signed	Date

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.