



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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October 15, 2021

Delivered electronically to felsonmike48@yahoo.com & smfelton@yahoo.com

Subject: Final Order; PDC Case Number 94021

Dear James Felton:

Attached is the Final Order entered at the September 23, 2021 Regular Commission Meeting of Public Disclosure Commission.

The Commission Vacated the Initial Order and no penalty is due.

If you have any questions, please contact PDC Staff by email at pdc@pdc.wa.gov – and be sure to reference your case number in the subject line of the email.

Sincerely,

PDC Staff
Compliance and Enforcement Division

Enclosure

- Final Order



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

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

PDC CASE NO. 94021

FINAL ORDER

9 JAMES M. FELTON,
10 Respondent.
11

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14 This matter was heard remotely by the Washington State Public Disclosure Commission
15 (Commission) on September 23, 2021, by telephonic and online streaming access. Respondent
16 requested review of the Initial Order within 21 calendar days of the order being served on him.
17 The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37
18 WAC.

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

1
2 The Commissioners had before them the following materials:

- 3 1. Case memorandum dated September 15, 2021, prepared by Jennifer Hansen, PDC
4 Compliance Officer;
- 5
- 6 2. Brief Enforcement Hearing Notice, PDC Case 94021, sent to Respondent on June 25,
7 2021, for Adjudicative Proceedings on July 15, 2021;
- 8
- 9 3. Initial Order Imposing Fine, PDC Case 94021, entered August 16, 2021;
- 10
- 11 4. PDC staff email, dated August 18, 2021, memorializing verbal request for review;
- 12
- 13 5. Reconsideration Hearing Notice, PDC Case 94021, served September 15, 2021, and
14 the corrected notice served September 17, 2021.
- 15

16 **I. FINDINGS OF FACT**

17 The matter involves an alleged violation of RCW 42.17A.700 for failure to timely file a
18 Personal Financial Affairs Statement (F-1 Report) no later than April 15, 2021, for calendar year
19 2020.

20 1. James M. Felton served as School Director for Pioneer School District 402 for
21 the term January 1, 2019, through February 11, 2021, when he resigned due to medical
22 reasons. The Respondent has no prior violations with the PDC.

23

24 2. Between February and May of 2021, PDC staff sent email reminders to all elected
25 and appointed officials regarding their missing F-1 reports for calendar year 2020.

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1
2 3. On May 11, 2021, PDC staff emailed warning letters to elected and appointed
3 officials regarding their missing F-1 reports for calendar year 2020.

4
5 4. On June 25, 2021, PDC staff emailed the Respondent a hearing notice for a
6 Brief Adjudicative Proceeding (Brief Enforcement Hearing) to be held on July 15,
7 2021. The hearing notice was sent to the Respondent's email address of record.

8
9 5. At the July 15, 2021, Brief Enforcement Hearing the Respondent was found in
10 violation of RCW 42.17A.700 for failure to timely file the F-1 report no later than April
11 15, 2021, and was assessed a \$250 penalty, consistent with WAC 390-37-143, the Brief
12 Enforcement Hearing penalty schedule adopted by the Commission.

13
14 6. On August 16, 2021, PDC staff served the Initial Order memorializing the
15 Commission's ruling by email to the contact email address of record.

16
17 7. To date the Respondent has not filed an F-1 report covering calendar year 2020
18 activity.

19
20 8. On August 18, 2021, Respondent's spouse contacted PDC staff by telephone to
21 appeal her husband's August 16, 2021, order based on Mr. Felton's significant health
22 issues that prevented him from completing the F-1 report. Ms. Felton indicated her
23 intention to assist her husband in filing the F-1 report.

24
25 9. PDC staff emailed the Respondent and his spouse on August 18, 2021, and
26 informed them that a hearing would be scheduled pursuant to their request. Ms. Felton

1 was also directed to contact a Customer Service Representative for assistance in filing
2 the missing F-1 report.

3
4 10. On September 15, 2021, PDC staff served Respondent and his spouse by email
5 with a hearing notice for a September 23, 2021, Hearing on Reconsideration before the
6 Commission, along with instructions on how to participate in the hearing remotely. On
7 September 17, 2021, staff served the Respondent and his spouse with a corrected
8 hearing notice to reflect the appropriate agenda time.

9 10 **II. CONCLUSIONS OF LAW**

11 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
12 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the
13 Administrative Procedure Act; and Title 390 WAC.

14
15 2. Pursuant to RCW 42.17A.700, an elected or appointed official who held office
16 in 2020 was required to file an F-1 report, disclosing financial information for calendar
17 year 2020, no later than April 15, 2021.

18 19 **III. ORDER**

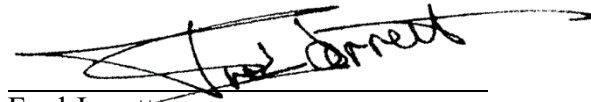
20
21 After consideration of the mitigating and aggravating factors, including Respondent's
22 significant health issues, and the Findings of Fact, and the Conclusions of Law, the Commission
23 VACATES the Initial Order assessing a civil penalty of \$250 for late filing of the F-1 report in
24 violation of RCW 42.17A.700. This Order will be the Final Order.

1 1. Respondent and his spouse shall work with PDC staff to file the missing F-1
2 report for calendar year 2020 as soon as Respondent's health permits.

3
4 SO ORDERED this 15th day of October, 2021.

5 WASHINGTON STATE PUBLIC
6 DISCLOSURE COMMISSION

7 FOR THE COMMISSION:

8 

9 Fred Jarrett,
Chair, Public Disclosure Commission

10 *This order sent by email to:*

11 Susan Felton, on behalf of Respondent James
12 M. Felton,
13 MFELTON@PSD402.org
feltonmike48@yahoo.com
smfelton@yahoo.com

14 Jennifer Hansen,
15 PDC Compliance Officer,
Jennifer.Hansen@pdc.wa.gov

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

Jennifer Hansen October 15, 2021
Signed Date

16 **NOTICE: RECONSIDERATION**

17 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
18 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
19 you. Any Request for reconsideration must state the specific grounds for the relief requested.
20 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,
711 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.

21 **NOTICE: PETITION FOR JUDICIAL REVIEW**

22 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
23 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
24 Order must be filed with the court and also served upon both the Commission and the Office of
25 the Attorney general within thirty (30) days after the date this Final Order is served upon you.
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