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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 FRED HELMS,
10 Respondent.

PDC CASE NO. 94047

FINAL ORDER ON REQUEST
FOR RECONSIDERATION

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12 This matter was heard at the Regular Meeting of the Washington State Public Disclosure
13 Commission (Commission) on December 2, 2021, by telephonic and online streaming access.
14 Fred Helms (Respondent), requested review of the Presiding Officer's Order, issued following a
15 Brief Enforcement Hearing (Brief Adjudicative Proceeding) held July 15, 2021. The hearing
16 was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

17 Commissioners present were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis,
18 Commission Vice-Chair; and Commissioners William Downing and Allen Hayward. Also
19 present both telephonically and online were Assistant Attorney General John S. Meader
20 representing the Commission, Assistant Attorney General Chad Standifer, representing PDC
21 Staff, and Tabitha Townsend, PDC Compliance Coordinator. The Respondent appeared on his
22 own behalf. The proceeding was open to the public as limited by Governor's Proclamation 20-
23 28 *et seq.* and recorded.

24 The Commissioners had before them the following materials:

- 25 1. Case memorandum dated December 2, 2021, prepared by Tabitha Blacksmith, PDC
26

1 Compliance Coordinator;

2 2. Brief Enforcement Hearing Notice served June 29, 2021;

3 3. Initial Order Imposing Fine, entered August 12, 2021;

4 4. Personal Financial Affairs Statement, filed October 8, 2021;

5 5. Written request for appeal email, received October 26, 2021;

6 6. Reconsideration Hearing Notice, served November 18, 2021.

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8 **I. FINDINGS OF FACT**

9 This matter involves Fred Helms (Respondent), a School Director of East Valley School
10 District 361 during calendar year 2020. His term ends December 31, 2021. During a Brief
11 Enforcement Hearing held on July 15, 2021, Respondent was found to have violated RCW
12 42.17A.700 for failure to timely file a Personal Financial Affairs Statement (F-1 Report) no later
13 than April 15, 2021. At the Brief Enforcement Hearing an Order imposing a \$500 civil fine,
14 with \$250 suspended, was entered. The Respondent has one prior violation of RCW 42.17A.700
15 with the PDC (Case #38926). He filed the missing F-1 report and paid the \$250 penalty
16 associated with that case.

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

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22 2. In March and April of 2021, PDC staff sent email reminders to all elected and
23 appointed officials regarding their missing F-1 reports for calendar year 2020.

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25 3. On May 11, 2021, PDC staff emailed the Respondent a warning notice regarding
26 the missing F-1 report for calendar year 2020. The notice was sent to the Respondent's email

1 address of record.

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3 4. On June 29, 2021, PDC staff emailed the Respondent a hearing notice for a July
4 15, 2021, Brief Adjudicative Proceeding (Brief Enforcement Hearing) to Respondent's email
5 address of record.

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7 5. At the Brief Enforcement Hearing held on July 15, 2021, the Respondent was
8 found in violation of RCW 42.17A.700 for failure to timely file the F-1 report no later than April
9 15, 2021. Respondent was assessed a \$500 penalty consistent with WAC 390-37-143, the Brief
10 Enforcement Hearing penalty schedule adopted by the Commission. The Presiding Officer
11 suspended \$250 of the \$500 penalty conditioned upon the Respondent filing the missing F-1
12 report and paying the non-suspended \$250 penalty within 30 days of the Initial Order being
13 served.

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15 6. On August 17, 2021, PDC staff served the Initial Order to the Respondent's email
16 address of record.

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18 7. On October 8, 2021, the Respondent filed the F-1 report covering the calendar
19 year 2020 activity.

20
21 8. On October 26, 2021, the Respondent submitted a written appeal of the August
22 12, 2021, Order due to his having submitted a timely paper F-1 report by mail which was
23 returned, and his significant health issues that prevented him from filing reports online without
24 assistance.

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26 9. On November 18, 2021, PDC staff served the Respondent, by email, with a

1 hearing notice for a December 2, 2021, Reconsideration Hearing before the Public Disclosure
2 Commission along with instructions on how to participate in the hearing remotely. This notice
3 was sent to the Respondent's address of record.

4 5 **II. CONCLUSIONS OF LAW**

6 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
7 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the
8 Administrative procedure Act; and Title 390 WAC.

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

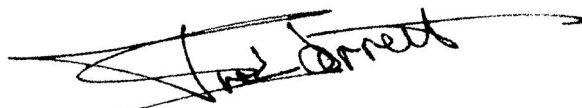
12 13 **I. ORDER**

14 The Commission agreed to RECONSIDER this matter. The civil penalty of \$500, with
15 \$250 suspended, assessed at the July 15, 2021, brief adjudicatory hearing, is VACATED.

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17 SO ORDERED this _16th_ day of December, 2021.

18 WASHINGTON STATE PUBLIC
19 DISCLOSURE COMMISSION

20 FOR THE COMMISSION:

21 

22 _____
23 Fred Jarrett,
24 Chair, Public Disclosure Commission

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I, __Tabitha Townsend__, certify that I emailed a copy of this order to the Respondent at his respective physical and email addresses.

Electronically Signed by Tabitha Townsend December 16, 2021

Signed

Dated

This order sent by email to:
Fred Helms, Respondent
Fred5573@comcast.net

Tabitha Townsend & Tabitha Blacksmith,
PDC Compliance Coordinators,
pdc@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.