



State of Washington
PUBLIC DISCLOSURE COMMISSION

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Memorandum

To: Public Disclosure Commission

From: Tabatha Blacksmith, Compliance Coordinator

Date: October 28, 2021

Subject: James Morem; PDC Case 94061; Reconsideration Hearing

Matter for Reconsideration:

During a Brief Enforcement Hearing held on July 15, 2021, James Morem was found to have violated RCW 42.17A.700 for failure to timely file a Personal Financial Affairs Statement (F-1 report) with the Public Disclosure Commission (PDC) no later than April 15, 2021. At the July 15, 2021 Brief Enforcement Hearing, an Order imposing a \$250 penalty, with \$150 suspended, was entered, which James Morem now requests the Commission reconsider.

Background:

- James Morem (the “Respondent”) served as City Council Member for City of Buckley during calendar year 2020. His term expired March 23, 2021.
- The Respondent has no prior violations with the PDC.
- Pursuant to RCW 42.17A.700, an elected or appointed official who held office in 2020 was required to file an F-1 report, disclosing financial information for calendar year 2020, no later than April 15, 2021.
- In March and April of 2021, PDC staff sent email reminders to all elected and appointed officials regarding their missing F-1 reports for calendar year 2020.
- On May 12, 2021, PDC staff emailed the Respondent a warning notice regarding the missing F-1 report for calendar year 2020. The notice was sent to the Respondent’s email address-of-record.

- On June 30, 2021, PDC staff emailed the Respondent a hearing notice for a Brief Adjudicative Proceeding (Brief Enforcement Hearing) to be held on July 15, 2021. The hearing notice was sent to the Respondent's email address-of-record, which was his official city council email. The notice was also emailed to two personal email addresses which PDC staff believed belonged to the Respondent.
- At the Brief Enforcement Hearing held on July 15, 2021, the Respondent was found in violation of RCW 42.17A.700 for failure to file the F-1 report no later than April 15, 2021, and was assessed a \$250 penalty, consistent with WAC 390-37-143, the Brief Enforcement Hearing penalty schedule adopted by the Commission. The Presiding Officer suspended \$150 of the \$250 penalty conditioned upon the Respondent filing the missing F-1 report and paying the non-suspended \$100 penalty within 30 days of the Initial Order being served.
- On August 17, 2021, PDC staff served the August 12, 2021 Initial Order memorializing the Commission's ruling, by email, to the contact email address-of-record, which was an official city council email. The Order was also emailed to two personal email addresses which PDC staff believed belonged to the Respondent.
- On October 8, 2021, PDC staff spoke to the Respondent by telephone and learned that the two personal emails used to notice the Respondent did not belong to him.
- The Respondent filed the F-1 report covering calendar year 2020 activity on October 14, 2021.

Request for Reconsideration:

- On October 14, 2021, the Respondent, submitted written materials to PDC staff to appeal the August 12, 2021 Order based upon the fact that he did not receive the Hearing notice. The Respondent stated that 1) he did not have access to emails sent to his official email address after he resigned his position on March 23, 2021; and 2) the other email addresses used were incorrect.
- On October 18, 2021, PDC staff served the Respondent, by email, with a hearing notice for an October 28, 2021 Reconsideration Hearing before the Public Disclosure Commission, along with instructions on how to participate in the hearing remotely. This notice was sent to a personal email address obtained from the Respondent.