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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 JANICE SETHNE-BRAKE,  
10 Respondent.  
11

PDC CASE NO. 94063

FINAL ORDER ON REQUEST  
FOR 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 Janice Suthne-Brake (Respondent), requested review 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 appeared on her  
24 own behalf. The proceeding was open to the public as limited by Governor's Proclamation 20-  
25 28 *et seq.* and recorded.

26 The Commissioners had before them the following materials:

1. Case memorandum dated October 6, 2021, prepared by Tabitha Townsend, PDC Compliance Officer;
2. Brief Enforcement Hearing Notice served June 25, 2021;
3. Initial Order Imposing Fine, entered August 17, 2021;
4. F-1 report covering calendar year 2020, filed September 16, 2021;
5. Amended F-1 report covering calendar year 2020, filed September 26, 2020;
6. Respondent's request for reconsideration, dated September 19, 2021;

### **I. FINDINGS OF FACT**

This matter involves Janice Sethne-Brake (Respondent), a Water and Sewer Commissioner for North Beach Water District during calendar year 2020. Her current term expires on December 31, 2023. During a Brief Enforcement Hearing held on July 15, 2021, Respondent was found to have violated RCW 42.17A.700 for failure to timely file a Personal Financial Affairs Statement (F-1 Report) no later than April 15, 2021. At the Brief Enforcement Hearing an Order imposing a \$250 civil fine, with \$150 suspended, was entered. The Respondent has no prior violations of RCW 42.17A.700 with the PDC.

1. 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.

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

3. On May 11, 2021, PDC staff emailed 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.

4. On June 25, 2021, PDC staff emailed a hearing notice for a July 15, 2021, Brief Adjudicative Proceeding (Brief Enforcement Hearing) to Respondent's email address of record.

1           5.       At the Brief Enforcement Hearing held on July 15, 2021, the Respondent was  
2 found in violation of RCW 42.17A.700 for failure to timely file the F-1 report no later than April  
3 15, 2021. Respondent was assessed a \$250 penalty consistent with WAC 390-37-143, the Brief  
4 Enforcement Hearing penalty schedule adopted by the Commission. The Presiding Officer  
5 suspended \$150 of the \$250 penalty conditioned upon the Respondent filing the missing F-1  
6 report and paying the non-suspended \$100 penalty within 30 days of the Initial Order being  
7 served.

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

10          7.       On September 16, 2021, Respondent filed the F-1 report covering calendar year  
11 2020 activity.

12          8.       On September 21, 2021, the Respondent submitted written materials to PDC staff  
13 appealing the August 16, 2021, Initial Order based on the Respondent's multiple family health  
14 emergencies and financial hardship that frustrated compliance.

## 15 16                                   **II.       CONCLUSIONS OF LAW**

17          1.       The Commission has jurisdiction over this proceeding pursuant to Chapter  
18 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the  
19 Administrative procedure Act; and Title 390 WAC.

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

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SO ORDERED this 8th day of October, 2021.

FOR THE COMMISSION:

Fred Jarrett,  
Chair, Public Disclosure Commission

Tabitha Townsend,  
PDC Compliance Coordinator,  
[pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Electronically Signed Tabitha Townsend      11/9/2021  
Signed      Date

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.