



**State of Washington**  
**PUBLIC DISCLOSURE COMMISSION**

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**Memorandum**

To: Public Disclosure Commission

From: Tabitha Townsend, Compliance Coordinator 2

Date: October 6, 2021

Subject: Kay Brown; PDC Case 94089; Reconsideration Hearing

**Matter for Reconsideration:**

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.

**Background:**

- Kay Brown (the “Respondent”) served as State Board/Commission Member for Shorelines Hearings Board during calendar year 2020. Her term ended June 1, 2020.
- The Respondent has no prior violations of RCW 42.17A.700 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.
- 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
- On May 11, 2021, PDC staff emailed warning letters to elected and appointed official regarding their missing F-1 reports for calendar year 2020.

Kay Brown

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- On June 29, 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 [kayb@elaho.wa.gov](mailto:kayb@elaho.wa.gov).
- On August 17, 2021, PDC staff served the Initial Order memorializing the Commission's ruling, by email, to the contact email address-of-record [kayb@elaho.wa.gov](mailto:kayb@elaho.wa.gov).
- The Respondent filed the F-1 report covering calendar year 2020 activity on September 20, 2021.

**Request for Reconsideration:**

- On September 21, 2021, the Respondent, submitted written materials to PDC staff to appeal the August 16, 2021 Order based on the facts that she had retired June 1, 2020 and her email account was no longer accessible to her.
- The Respondent's former office staff performed searches of their email system and provided information in an email for the Respondent to be provided to the Commission in support of her request for reconsideration.