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

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

9 KAY BROWN,

10 Respondent.
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PDC CASE NO. 94089

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 Kay Brown (Respondent), requested review of the Presiding Officer's Order, issued following a
16 Brief Enforcement Hearing (Brief Adjudicative Proceeding) held July 15, 2021. The hearing
17 was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

18 Commissioners present were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis,
19 Commission Vice-Chair; and Commissioners William Downing and Allen Hayward. Also
20 present both telephonically and online were Assistant Attorney General John S. Meader
21 representing the Commission, Assistant Attorney General Chad Standifer, representing PDC
22 Staff, and Tabitha Townsend, PDC Compliance Coordinator. The Respondent appeared on her
23 own behalf. The proceeding was open to the public as limited by Governor's Proclamation 20-
24 28 *et seq.* and recorded.

25 The Commissioners had before them the following materials:

- 26 1. Case memorandum dated October 6, 2021, prepared by Tabitha Townsend, PDC

1 Compliance Coordinator;

- 2 2. Brief Adjudicative Proceeding Hearing Notice for hearing on July 15, 2021;
- 3 3. Initial Order Imposing Fine, PDC Case #94203, entered August 17, 2021;
- 4 4. F-1 report covering calendar year 2020, filed September 20, 2021;
- 5 5. Respondent's request for reconsideration, dated September 21, 2021;
- 6 6. Emails from the Shoreline Hearings Board, dated September 28, 2021.

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8 **I. FINDINGS OF FACT**

9 This matter involves Kay Brown (Respondent), a Board Member for the Shoreline
10 Hearings Board during calendar year 2020. Her term ended June 1, 2020. 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 \$250 civil fine,
14 with \$150 suspended, was entered. The Respondent has no prior violations of RCW 42.17A.700
15 with the PDC.

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

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

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

24 4. On June 29, 2021, PDC staff emailed a hearing notice for a July 15, 2021, Brief
25 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. The full penalty amount was later reinstated for failure to timely pay the non-suspended
8 portion of the fine.

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

11 7. On September 21, 2021, the Respondent submitted written materials to PDC staff
12 appealing the August 16, 2021, Initial Order based on the fact she had retired June 1, 2021, and
13 her email account was no longer accessible to her. She further stated her former office staff
14 performed searches of their email system and could not find any emails from the PDC regarding
15 the hearing or the penalties imposed on her. Respondent admitted responsibility at the
16 Reconsideration hearing and testified she was working remotely due to the pandemic and no
17 longer had assistance of Board staff.

18 8. The Respondent filed the missing 2020 F-1 report covering calendar year 2020
19 activity on September 20, 2021.

20 9. On October 4, 2021, PDC staff served the Respondent by email with a hearing
21 notice for a October 12, 2021, Reconsideration Hearing before the Public Disclosure
22 Commission along with instructions on how to participate in the hearing remotely.

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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.