



State of Washington
PUBLIC DISCLOSURE COMMISSION

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Memorandum

To: Public Disclosure Commission

From: Jordan Campbell, Compliance Coordinator

Date: January 27, 2022

Subject: Larry McPhail; PDC Case 94140; Reconsideration Hearing

Matter for Reconsideration:

During a Brief Enforcement Hearing held on July 15, 2021, Larry McPhail 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 Larry McPhail now requests the Commission reconsider.

Background:

- Larry McPhail (the “Respondent”) served as Fire Commissioner Whatcom Fire Protection District 21 during calendar year 2020. His most recent term ended on July 1st 2020.
- 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.
- Between March 3, 2021 and May 13, 2021, the Respondent sent a series of emails to PDC staff, in response to automated reminder emails, wherein he 1) indicated he was unable to log into his SAW account; and 2) refused to file the required F-1 report. (**Exhibit 1**)
- On May 13, 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 26, 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. (**Exhibit 2**)
- 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. (**Exhibit 3**)
- 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.
- The Respondent has not yet filed the F-1 report covering calendar year 2020 activity as of January 20, 2022.

Request for Reconsideration:

- On October 23, 2021, the Respondent, submitted written materials to PDC staff to appeal the August 12, 2021 Order based upon the fact that he feels the PDC electronic filing system for the F-1 is defective and is unable to use it. (**Exhibit 4**)
- On January 13, 2022, PDC staff served the Respondent, by email, with a hearing notice for a January 27, 2022 Reconsideration Hearing before the Public Disclosure Commission, along with instructions on how to participate in the hearing remotely. (**Exhibit 5**)

Exhibit List:

Exhibit 1 – PDC Case 94140 – Email responses to PDC filing reminders sent between March 3, 2021 through April 28, 2021

Exhibit 2 – PDC Case 94140 – Brief Enforcement Hearing Notice, served June 24, 2021

Exhibit 3 – PDC Case 94140 – Initial Order Imposing Fine, entered August 12, 2021

Exhibit 4 – PDC Case 94140 – Written request for appeal email, received October 23, 2021

Exhibit 5 – PDC Case 94140 – Reconsideration Hearing Notice, served January 13, 2022