



State of Washington
PUBLIC DISCLOSURE COMMISSION
711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

February 25, 2022

Larry J Mcphail
2855 H St Rd
Blaine WA 98320

Delivered electronically to: loggar56@aol.com

Subject: PDC Order, Case 94140

Dear Larry Mcphail,

Enclosed is a copy of the Public Disclosure Commission's Final Order Imposing Fine that was entered in the above-referenced case.

At the January 27, 2022 Full Enforcement hearing, the Presiding heard your request for reconsideration regarding the \$250 penalty assessed originally at the Brief Enforcement hearing on July 15, 2021. The determination of the commission in this case is that your request for reconsideration has been Denied.

At the July 15, 2021 hearing, a penalty was assessed of \$250 with \$150 suspended if paid within 30 day of the original order. At this time the 30 days has elapsed, as such, the full \$250 penalty is due upon service of this order February 25, 2022.

Please make the check or money order payable to "WA State Treasurer," and mail the payment to the following address:

Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

It was also ordered during the January 15 2021 hearing that you file the missing F-1 in addition to payment of the penalty.

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdcc@pdcc.wa.gov

Sincerely,

Electronically Signed by Jordan Campbell
PDC Staff

Enclosure: Final Order

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

In Re: The Matter of Enforcement Action
Against:

LARRY McPHAIL,

Respondent.

PDC CASE NO. 94140

FINAL ORDER ON
RECONSIDERATION

This matter was heard remotely by the Washington State Public Disclosure Commission (Commission) on January 27, 2022, by telephonic and online streaming access. Respondent Larry McPhail requested reconsideration of the Presiding Officer’s Order entered on August 12, 2021, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) on July 15, 2021, in this matter. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present both telephonically and online were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis, Commission Vice-Chair; and Commissioners William Downing and Allen Hayward. Also present both telephonically and online were Assistant Attorney General John S. Meader representing the Commission, Assistant Attorney General Chad Standifer representing PDC Staff, and Jordan Campbell, PDC Compliance Coordinator. Notice was provided to the Respondent and he appeared on his own behalf. The proceeding was

1 open to the public as limited by Governor’s Proclamation 20-25 *et. seq.* and recorded.

2 The Commissioners had before them the following materials:

- 3 1. Case memorandum dated January 27, 2022, prepared by Jordan Campbell, PDC
4 Compliance Coordinator;
- 5 2. Brief Enforcement Hearing Notice, served June 26, 2021;
- 6 3. Initial Order Imposing Fine, entered August 12, 2021;
- 7 4. Respondent’s written request for review, received October 23, 2021;
- 8 5. Reconsideration Hearing Notice, served January 13, 2022.
- 9

10 **I. FINDINGS OF FACT**

11 The matter involved Respondent’s request that the Commission reconsider an Initial
12 Order entered on August 12, 2021, resulting from an Initial Hearing on July 15, 2021, regarding
13 Larry McPhail, a Fire Commissioner for Whatcom County Fire Protection District 21 during
14 calendar year 2020. Respondent’s term ended on July 1, 2020. The Presiding Officer at the Brief
15 Adjudicative Proceeding found the Respondent in violation of RCW 42.17A.700 for failure to
16 timely file a Personal Financial Affairs Statement (F-1 Report) with the Public Disclosure
17 Commission no later than April 15, 2021. At the July 15, 2021, hearing, an Order was entered
18 imposing a \$250 penalty, with \$150 suspended, which the Respondent now requests the
19 Commission reconsider. The Respondent has no prior violations with the PDC.

20

- 21 1. In March and April of 2021, PDC staff sent email reminders to all elected and
22 appointed officials regarding their missing F-1 reports for calendar year 2020.
- 23
24
25
26

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
2. 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 indicated he was unable to login to his account and refused to file the F-1 report.
3. On May 13, 2021, PDC staff emailed the Respondent a warning notice regarding the mission F-1 report. The notice was sent to the Respondent's official email address of record.
4. 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.
5. At the Brief Enforcement Hearing held on July 15, 2021, the Respondent was found in violation of RCW 42.17A.700 for failure to timely file the missing 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 Office 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 entered.
6. On August 17, 2021, the Respondent was served with the August 12, 2021, Initial Order memorializing the Commission's ruling to the Respondent's email address of record.

1
2 7. On October 23, 2021, the Respondent submitted written materials requesting
3 appeal of the August 12, 2021, order based on his claim that the PDC electronic
4 filing system is defective and he is unable to use it.
5

6 8. On January 13, 2022, PDC staff served the Respondent by email with a hearing
7 notice for a January 27, 2022 Reconsideration Hearing before the Public
8 Disclosure Commission, along with instructions on how to participate in the
9 hearing remotely.
10

11 9. As of the date of the January 27, 2021, hearing the missing F-1 report had not
12 been filed.
13

14 II. CONCLUSIONS OF LAW

15
16 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
17 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05
18 RCW, the Administrative Procedure Act; and Title 390 WAC.
19

20 2. Pursuant to RCW 42.17A.700, an elected or appointed official who held office
21 in 2020, or took office in 2021, was required to file an F-1 Report, disclosing
22 financial information for the calendar year 2020, no later than April 15, 2021.
23

24
25 ///

1 **III. ORDER**

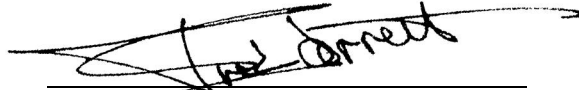
2 This Order on Reconsideration will be the Final Order. After consideration of the
3 mitigating and aggravating factors, the Findings of Fact, and the Conclusions of Law, the
4 Respondent's request for reconsideration is DENIED.

- 5
6 1. The Request for Reconsideration is DENIED. This order shall be the Final
7 Order. The civil penalty of \$250 issued at the July 15, 2021, hearing is affirmed.
8

9 SO ORDERED this 25th day of February, 2022.

10 WASHINGTON STATE PUBLIC
11 DISCLOSURE COMMISSION

12 FOR THE COMMISSION:

13 

14 Fred Jarrett,
15 Chair, Public Disclosure Commission

16
17 *This order sent by email to:*

18 Larry McPhail, Respondent
19 loggar56@aol.com

20 Jordan Campbell,
21 PDC Compliance Coordinator,

22 I, Jordan Campbell, certify that I emailed a copy of this
23 order to the Respondent at his respective email address.

24 Electronically signed by Jordan Campbell February 25, 2022

25 Signed

26 Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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.