

1
2
3
4
5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **OF THE STATE OF WASHINGTON**

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

9 SHERRY APPLETON,
10 Respondent.
11

PDC CASE NO. 94203

FINAL ORDER ON REQUEST
FOR RECONSIDERATION

12
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 Sherry Appleton (Respondent), requested reconsideration of the Presiding Officer's Order,
16 issued following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) held July 15,
17 2021. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter
18 390-37 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 Jennifer Hansen, PDC Compliance Officer. The Respondent did not appear 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 12, 2021, prepared by Tabatha Blacksmith, PDC Compliance Coordinator;
2. Brief enforcement Hearing Notice, served June 30, 2021;
3. Initial Order Imposing Fine, PDC Case #94203, entered August 12, 2021;
4. Financial Affairs Statement (CY 2020), filed September 16, 2021;
5. Written request for appeal email, received September 15, 2021;
6. Reconsideration Hearing Notice, PDC Case #94203, dated October 4, 2021;

I. FINDINGS OF FACT

This matter involves Sherry Appleton (Respondent), a State Representative for Legislative District 23 and a Member of the Commission on Judicial Conduct during calendar year 2020. 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. 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.

3. On May 12, 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 30, 2021, PDC staff emailed a hearing notice for a July 15, 2021, Brief

1 Adjudicative Proceeding (Brief Enforcement Hearing) to Respondent's email address of record.

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

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 15, 2021, the Respondent submitted written materials to PDC staff
12 appealing the August 12, 2021 Initial Order based on the fact she did not receive the emails from
13 PDC staff notifying her of the July 15, 2021, hearing. She further stated she had always filed
14 timely in the past, a claim that is supported by her filing history.

15 8. The Respondent filed the missing 2020 F-1 report covering calendar year 2020
16 activity on September 16, 2021.

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

21 **II. CONCLUSIONS OF LAW**

22 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
23 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the
24 Administrative Procedure Act; and Title 390 WAC.
25
26

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

III. ORDER

The Request for Reconsideration is DENIED. This order shall be the Final Order. The civil penalty of \$250, with \$150 suspended, imposed at the July 15, 2021 hearing is affirmed.

SO ORDERED this 8th day of November, 2021.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:



Fred Jarrett,
Chair, Public Disclosure Commission

This order sent by email to:

Sherry Appleton, Respondent
Sherrya76@comcast.net

Jennifer Hansen,
PDC Compliance Officer,
Jennifer.Hansen@pdc.wa.gov

I, Tabatha Blacksmith, certify that I emailed a copy of this order to the Respondent at her respective email address.

e-signed Tabatha Blacksmith
Signed

November 9, 2021
Date

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.