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

9 In re the Matter of Enforcement Action  
10 Against:

PDC CASE NO. 94207

11 WARREN M. SMALL,

FINAL ORDER

12 Respondent.  
13

14 **I. INTRODUCTION**

15 This matter was heard remotely by the Washington State Public Disclosure Commission  
16 (Commission) on January 27, 2022, by telephonic and online streaming access. The hearing was  
17 held pursuant to Chapter 34.05 RCW, Chapter 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 were Assistant Attorney General John S. Meader representing the Commission, Assistant  
21 Attorney General Chad Standifer representing Commission staff, and Tabatha Blacksmith,  
22 Compliance Officer, on behalf of PDC Staff. Respondent Warren Small did not appear on his  
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 hearing concerned allegations that Warren Small (Respondent) violated RCW  
26 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report)

1 disclosing personal financial information for calendar year 2020, that was due no later than April  
2 15, 2021.

3 The Commissioners had before them the following materials:

- 4 ○ Case Memorandum for PDC Case No. 94207 prepared by Tabatha Blacksmith and dated  
5 January 27, 2022;
- 6 ○ Brief Enforcement Hearing Notice for PDC Case No. 94207, served June 30, 2021;
- 7 ○ Respondent's email, dated July 14, 2021, and PDC's response, dated July 15, 2021.
- 8 ○ Full Hearing Notice for PDC Case No. 94207, served January 6, 2022;
- 9 ○ PDC Case No. 22181, Initial Order, entered September 5, 2017;
- 10 ○ PDC Case No. 38965, Final Order, entered November 1, 2018.

## 11 12 **II. FINDINGS OF FACT**

13 1. Warren Small has served as School Director for Royal School District 160 since  
14 approximately 2014. His term ended on December 31, 2021.

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16 2. In March and April of 2021, PDC staff sent all elected and appointed officials  
17 email reminders regarding their missing F-1 reports for calendar year 2020.

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19 3. PDC staff emailed the Respondent a warning notice regarding the missing F-1  
20 report on May 13, 2021. The notice was sent to Respondent's email address of record, which is  
21 a personal Earthlink email account.

22 4. On June 30, 2021, PDC staff served the Respondent by electronic mail with a  
23 hearing notice for a July 15, 2021, hearing. The notice was sent to Respondent's email address  
24 of record.

1           5.       On July 14, 2021, Respondent emailed PDC staff using a Yahoo email address in  
2 response to the Warning Notice. He indicated he had previously tried to file his F-1 but was  
3 unable to log in. PDC staff replied on July 15, 2021, to both the Earthlink and Yahoo email  
4 addresses with instructions on how to file online. Later the same day PDC staff assisted the  
5 Respondent by telephone in accessing his F-1 account.

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7           6.       At the Brief Enforcement Hearing held on July 15, 2021, the Presiding Officer  
8 set the matter for a full enforcement hearing.

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10          7.       On January 6, 2022, PDC staff served the Respondent by email and by mail with  
11 a hearing notice for the January 27, 2022 full hearing before the Commission.

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13          8.       Respondent filed his F-1 report covering calendar year 2020 on January 27, 2022.

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15          9. Prior violations of RCW 42.17A.700:

16               a) First Violation, PDC Case No. 22181:

- 17                   • The Respondent failed to timely file an F-1 report for calendar year 2016,  
18                   which was due no later than April 17, 2017.
- 19                   • On August 23, 2017, an Order Imposing Fine was entered for violation of  
RCW 42.17A.700 and a civil penalty was assessed for \$550.
- 20                   • Respondent filed the F-1 report for calendar year 2016 on September 26,  
21                   2017, and paid the civil fine on October 11, 2017.

22               b) Second Violation, PDC Case No. 38965:

- 23                   • The Respondent failed to timely file an F-1 report for calendar year 2017,  
24                   which was due no later than April 16, 2018.
- 25                   • On October 25, 2018, an Order imposing Fine was entered for violation  
26                   of RCW 42.17A.700 and a civil penalty was assessed for \$1,500.

- The Respondent filed the F-1 report for calendar year 2017 on October 25, 2018, and paid the \$1,500 civil fine on December 13, 2018.

10. Staff recommended at the January 27, 2022, hearing a civil penalty of between \$1,000 and \$2,000 pursuant to the penalty schedule in WAC 390-37-182.

### III. CONCLUSIONS OF LAW

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

2. Pursuant to RCW 42.17A.700, an elected or appointed official is required to file a Personal Financial Affairs Statement (F-1 report) disclosing financial activities for calendar year 2020, no later than April 15, 2021.

### IV. ORDER

Based upon the Findings of Fact and Conclusions of Law, the Commission orders that:

1. Respondent Warren Small is assessed a total civil penalty of \$1,500, with \$750 suspended on the following conditions:

a. The \$750 non-suspended portion of the civil penalties due for violation of RCW 42.17A.700 is paid by the Respondent within 30 days of the date of this Final Order.

b. The Respondent remains in full compliance with all PDC reporting requirements and is not found to have committed any further violations of Chapter 42.17A. RCW or Title 390 WAC within four years of the date of

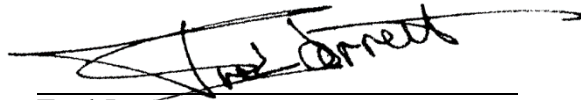
1 this Final Order. The suspended penalty shall not be assessed based solely  
2 upon any remediable violation, minor violation, or error classified by the  
3 Commission as appropriate to address by a technical correction.  
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- 5 2. If the Respondent fails to make timely payment of the non-suspended portion  
6 (\$750) of the civil penalties in full within 30 days of this order, the suspended  
7 civil penalty (\$750) shall immediately become due without further action of the  
8 commission. PDC staff may also send the amounts due for collection without  
9 further action by the Commission.  
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11 So ORDERED this 15th day of February, 2022.

12 WASHINGTON STATE PUBLIC  
13 DISCLOSURE COMMISSION

14 FOR THE COMMISSION:

15 

16 Fred Jarrett  
17 Chair, Public Disclosure Commission

18 *Copy of this Order mailed and/or emailed to:*

19 Warren M. Small, Respondent  
20 [smallpro@earthlink.net](mailto:smallpro@earthlink.net)

21 Tabatha Blacksmith, Compliance Officer, PDC Staff  
22 [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

23 I, Tabatha Blacksmith, certify that I mailed a copy of this order to the Respondent/ Applicant at  
24 his/her respective address postage pre-paid on the date stated herein.

25 Electronically signed Tabatha Blacksmith  
26 Signed

February 15, 2022  
Date

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3 **NOTICE: RECONSIDERATION**

4 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for  
5 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon  
6 you. Any Request for reconsideration must state the specific grounds for the relief requested.  
7 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,  
8 711 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.

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10 **NOTICE: PETITION FOR JUDICIAL REVIEW**

11 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for  
12 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final  
13 Order must be filed with the court and also served upon both the Commission and the Office of  
14 the Attorney general within thirty (30) days after the date this Final Order is served upon you.  
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