



State of Washington
PUBLIC DISCLOSURE COMMISSION

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Memorandum

To: Public Disclosure Commission

From: Tabatha Blacksmith, Compliance Coordinator

Date: January 27, 2022

Subject: Warren M. Small Enforcement Hearing Memorandum; PDC Case 94207

Allegation:

Public Disclosure Commission (PDC) staff alleges that Warren M. Small, a School Director for Royal School District 160, violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report), disclosing personal financial information for calendar year 2020 that was due no later than April 15, 2021.

Background:

- Warren M. Small (the “Respondent”) served as School Director for Royal School District 160 since approximately 2014. His term ended on December 31, 2021.
- 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 personal 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.
- On May 13, 2021, PDC staff emailed the Respondent a warning notice regarding the missing F-1 report. The notice was sent to the Respondent’s email address-of-record, which is a personal Earthlink email.

- On June 30, 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, which is a personal Earthlink email.
- On July 14, 2021, the Respondent emailed PDC staff, from a Yahoo email address, in response to the Warning Notice. At that time, the Respondent indicated he had previously attempted to file his F-1 report but was unable to log in. PDC staff replied by email on July 15, 2021, to both the Earthlink and Yahoo email addresses, and supplied instructions for obtaining login assistance. The email sent to the Yahoo address bounced but the email sent to the Earthlink address did not. Later the same day, PDC staff assisted the Respondent by telephone in accessing his F-1 account.
- At the Brief Enforcement Hearing held on July 15, 2021, the Presiding Officer asked PDC staff to reschedule this matter for a full Enforcement Hearing.
- On January 6, 2022, PDC staff served the Respondent, by email and mail, with a hearing notice for a January 27, 2022 Adjudicative Proceeding (Enforcement Hearing) before the full Public Disclosure Commission, concerning the failure to file the F-1 report.
- As of January 19, 2022, the Respondent has not filed the missing F-1 report covering calendar year 2020 that was due no later than April 15, 2021.

Prior Violations of RCW 42.17A.700:

The Respondent has two prior violations of RCW 42.17A.700 that occurred within the last five years:

First Violation (PDC Case 22181)

- The Respondent failed to timely file an F-1 report for calendar year 2016, which was due no later than April 17, 2017.
- On August 23, 2017, a Brief Adjudicative Proceeding (Brief Enforcement Hearing) was held, in which the Respondent was found in violation of RCW 42.17A.700 and assessed a \$550 penalty for failing to file an F-1 report, which was due no later than April 17, 2017.
- The Respondent paid the \$550 civil penalty for PDC Case 22181 on September 26, 2017 and filed the F-1 report for calendar year 2016 on October 11, 2017.

Second Violation (PDC Case 38965)

- The Respondent failed to timely file an F-1 report for calendar year 2017, which was due no later than April 16, 2018.

- On October 25, 2018, an Enforcement Hearing was held before the full Commission, in which the Respondent was found in violation of RCW 42.17A.700 and assessed a \$1,500 penalty for failing to file an F-1 report that was due no later than April 16, 2018.
- The Respondent filed the F-1 report for calendar year 2017 on October 25, 2018 and paid the \$1,500 civil penalty for PDC Case 38965 on December 13, 2018.

Additional Information:

- The Respondent's jurisdiction, Royal School District 160, did not meet the voter count threshold to trigger the F-1 reporting requirement for calendar years 2018 and 2019.

Staff Recommendations:

- Staff recommends the Commission find that the Respondent violated RCW 42.17A.700 for failing to file an F-1 report for calendar year 2020;
- Assess the Respondent a civil penalty per WAC 390-37-182, the full adjudicatory proceeding penalty schedule, made payable within 30 days of the date of the Order. The base penalty range for a 2nd occasion where the F-1 report is not filed is \$1,000-\$2,000; and
- Order the Respondent to file an F-1 report covering calendar year 2020 within 30 days of the date of the Order.

Exhibit List:

Exhibit 1 – PDC Case 94207 – Brief Enforcement Hearing Notice, served June 30, 2021

Exhibit 2 – PDC Case 94207 – Respondent's email, dated July 14, 2021, and PDC's response, dated July 15, 2021

Exhibit 3 – PDC Case 94207 – Enforcement Hearing Notice, served January 6, 2022

Exhibit 4 – PDC Case 22181 – Initial Order, entered September 5, 2017

Exhibit 5 – PDC Case 38965 – Final Order, entered November 1, 2018