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

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

9 SUSAN DAY,

10 Respondent.
11

PDC CASE NO. 94230

FINAL ORDER ON
RECONSIDERATION

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13 This matter was heard at the Regular Meeting of the Washington State Public Disclosure
14 Commission (Commission) on October 28, 2021, by telephonic and online streaming access.
15 Susan (Soosi) Day (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 Tabatha Blacksmith, PDC Compliance Coordinator. The Respondent appeared 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 28, 2021, prepared by Tabatha Blacksmith, PDC Compliance Coordinator;
2. Brief Enforcement Hearing Notice, served June 28, 2021;
3. Financial Affairs Statement (CY 2020), filed July 22, 2021;
4. Initial Order Imposing Fine, issued August 12, 2021;
5. Respondent's written request for reconsideration, received October 13, 2021;
6. Reconsideration Hearing Notice, served October 18, 2021.

I. FINDINGS OF FACT

This matter involves Susan (Soosi) Day (Respondent), a School Director for Pioneer Consolidated School District 402. Her term began on February 23, 2021. 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. In March and April of 2021, PDC staff sent email reminders to all elected and appointed officials regarding the missing F-1 reports for calendar year 2020.

2. On June 15, 2021, PDC staff emailed the Respondent a warning notice regarding the missing F-1 report. The notice was sent to Respondent's email address-of-record.

3. On June 28, 2021, PDC staff emailed a hearing notice for a Brief Adjudicative Proceeding (Brief Enforcement Hearing), to be held on July 15, 2021, to Respondent's email address-of-record.

4. Respondent filed the missing F-1 report on July 22, 2021;

5. On August 17, 2021, PDC staff served the Initial Order memorializing the Commission's ruling, by email, to the Respondent's contact email address-of-record.

6. After verbally indicating, on October 5, 2021, her intention to appeal, PDC staff received written materials appealing the August 12, 2021 Order on October 13, 2021. The Respondent based her appeal on her belief that she had already filed in February and a serious medical issue that extended three months and had frustrated compliance.

7. On October 18, 2021, PDC staff served Respondent, by email, with a hearing notice for an October 28, 2021 Reconsideration hearing before the Commission, along with instructions on how to participate in the hearing remotely.

II. 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, the Respondent was required to file an F-1 report disclosing financial information for the calendar year 2020 no later than April 15, 2021.

3. 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.

II. ORDER

The Request for Reconsideration is GRANTED. This Order on Reconsideration will be the Final Order. The civil penalty of \$250, with \$150 suspended, imposed at the July 15, 2021 hearing is MODIFIED with the following conditions:

1. Respondent Susan (Soosi) Day is assessed a total civil penalty of \$250, with \$250 suspended, on the following conditions:

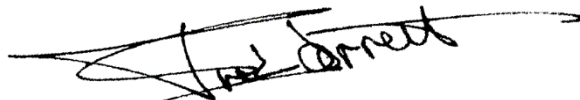
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- 2 a. The Respondent remains in full compliance with all PDC reporting
- 3 requirements and is not found to have committed any further violations
- 4 of Chapter 42.17A RCW or Title 390 WAC within four years of the date
- 5 of this Final Order. The suspended penalty shall not be assessed based
- 6 solely upon any remediable violation, minor violation, or error classified
- 7 by the Commission as appropriate to address by a technical correction.

8 SO ORDERED this 16th day of November, 2021.

9 WASHINGTON STATE PUBLIC

10 DISCLOSURE COMMISSION

11 FOR THE COMMISSION:

12 

13 Fred Jarrett,

14 Chair, Public Disclosure Commission

15 *This order sent by email to:*

16 Susan (Soosi) Day, Respondent

17 sday@psd402.org soosidayhk@yahoo.co.uk

18 Tabatha Blacksmith,

19 PDC Compliance Coordinator,

20 tabatha.blacksmith@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 16, 2021
Date

21

22 **NOTICE: PETITION FOR JUDICIAL REVIEW**

23 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for

24 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final

25 Order must be filed with the court and also served upon both the Commission and the Office of

26 the Attorney general within thirty (30) days after the date this Final Order is served upon you.