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

In Re: The Matter of Enforcement Action
Against:

RICHARD WHITSON,

Respondent.

PDC CASE NO. 94254

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 Richard Whitson 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 Tabatha Blacksmith, 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 • Case Memorandum dated January 27, 2022, prepared by Tabatha Blacksmith, PDC
- 4 Compliance Coordinator;
- 5 • Brief Enforcement Hearing Notice, served June 26, 2021;
- 6 • Initial Order Imposing Fine, entered August 12, 2021;
- 7 • Respondent’s F-1 report filed September 17, 2021;
- 8 • Respondent’s written request for review, received December 13, 2021;
- 9 • Reconsideration Hearing Notice, served January 13, 2022.

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11 **I. FINDINGS OF FACT**

12 This matter involves Respondent’s request that the Commission reconsider an Initial
13 Order entered on August 12, 2021, resulting from an Initial Hearing on July 15, 2021, regarding
14 Richard Whitson, a Parks and Recreation Commissioner for Columbia Valley Park and
15 Recreation District during calendar year 2019. The Presiding Officer at the Brief Adjudicative
16 Proceeding found the Respondent in violation of RCW 42.17A.700 for failure to timely file a
17 Personal Financial Affairs Statement (F-1 Report) with the Public Disclosure Commission no
18 later than April 15, 2021. At the July 15, 2021, hearing, an Order was entered imposing a \$250
19 penalty, with \$150 suspended, which the Respondent now requests the Commission reconsider.
20 The Respondent has no prior violations with the PDC.

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22 1. In March and April of 2021, PDC staff sent email reminders to all elected and
23 appointed officials regarding their missing F-1 reports for calendar year 2020.
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2. 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 official email address of record.
3. 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.
4. 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.
5. 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.
6. Respondent filed the missing F-1 Report on September 17, 2021.

1 7. On September 15, 2021, the Respondent spoke to PDC staff by telephone and
2 indicated he did not hold office during 2020. Staff reminded the Respondent he
3 still needed to file because he was a candidate during election year 2021. The
4 Respondent also provided an updated email address.
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6 8. On September 15, 2021, Whatcom County Elections confirmed that the
7 Respondent's term ended in 2019. They explained that, per state law, the
8 Respondent remained in office because no one filed to replace him and he did
9 not officially resign. The Respondent disputed this information and requested
10 an appeal. Written confirmation of the request for reconsideration was received
11 on September 16, 2021.
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13 9. Respondent further explained his reasons for appeal in writing on December 13,
14 2021. He stated: he was unaware of the PDC notices because he had stopped
15 using his email, he filed his F-1 within two days of speaking to PDC staff and
16 having notice of his obligation, and he had run for a different office in 2021 and
17 thought his filing obligations for the Columbia Valley Parks and Recreation
18 District had ended.
19

20 10. On January 13, 2022, PDC staff served the Respondent by email with a hearing
21 notice for a January 27, 2022 Reconsideration Hearing before the Public
22 Disclosure Commission, along with instructions on how to participate in the
23 hearing remotely.
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11 **II. CONCLUSIONS OF LAW**

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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 who held office in 2020, or took office in 2021, was required to file an F-1 Report, disclosing financial information for the calendar year 2020, no later than April 15, 2021.

11 **III. ORDER**

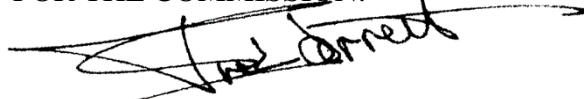
12 This Order on Reconsideration will be the Final Order. After consideration of the
13 mitigating and aggravating factors, the Findings of Fact, and the Conclusions of Law, the
14 Initial Hearing Order assessing a \$250 civil penalty, with \$150 suspended, is MODIFIED as
15 follows:

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1. Respondent Richard Whitson is found to have violated RCW 42.17S.700 by failing to timely file his F-1 report no later than April 15, 2021.
 2. Respondent's civil penalty of \$250 is VACATED.

21 SO ORDERED this 15th day of February, 2022.

22 WASHINGTON STATE PUBLIC
23 DISCLOSURE COMMISSION

24 FOR THE COMMISSION:

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26 Fred Jarrett,
Chair, Public Disclosure Commission

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This order sent by email to:

Richard Whitson, Respondent
Rawdew55@gmail.com

Tabatha Blacksmith,
PDC Compliance Coordinator,
pdc@pdc.wa.gov

I, <u>Tabatha Blacksmith</u> , certify that I emailed a copy of this order to the Respondent at his respective email address.	
<u>e-signed Tabatha Blacksmith</u> Signed	<u>February 15, 2022</u> 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.