



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: Richard Whitson; PDC Case 94254; Reconsideration Hearing

Matter for Reconsideration:

During a Brief Enforcement Hearing held on July 15, 2021, Richard Whitson was found to have violated RCW 42.17A.700 for failure to file a Personal Financial Affairs Statement (F-1 report) with the Public Disclosure Commission (PDC) no later than April 15, 2021. At the July 15, 2021 Brief Enforcement Hearing, an Order imposing a \$250 penalty, with \$150 suspended, was entered, which Richard Whitson now requests the Commission reconsider.

Background:

- Richard Whitson (the “Respondent”) served as a Park & Recreation Commissioner for Columbia Valley Park and Recreation District during calendar year 2019.
- The Respondent has no prior violations with the PDC.
- 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.
- 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 was a personal Comcast email.

- 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, which was a personal Comcast email.
- At the Brief Enforcement Hearing held on July 15, 2021, the Respondent was found in violation of RCW 42.17A.700 for failure to file the 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 Officer 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 August 12, 2021 Initial Order.
- On August 17, 2021, PDC staff served the August 12, 2021 Initial Order memorializing the Commission's ruling, by email, to the Respondent's email address-of-record, which was a personal Comcast email.
- The Respondent filed a candidate Personal Financial Affairs Statement (F-1 report), covering the previous twelve months, on September 17, 2021.

Request for Reconsideration:

- On September 15, 2021, the Respondent spoke to PDC staff by telephone, at which time he indicated he did not hold office during 2020. PDC staff reminded the Respondent that he was still required to file an F-1 report because he was a candidate during election year 2021. The Respondent also indicated his Comcast email address was no longer valid and provided a Gmail address.
- On September 15, 2021, Whatcom County Elections confirmed, to PDC staff, that the Respondent's term ended in 2019. They explained that, per state law, the Respondent remained in office because 1) no one filed to replace him; and 2) he did not officially resign. PDC staff contacted the Respondent regarding this finding, at which time he disputed that he was in office and verbally requested an appeal. The Respondent confirmed his intent to appeal by email on September 16, 2021.
- Per PDC staff's request, the Respondent provided his reasons for requesting an appeal in writing on December 13, 2021. These reasons are as follows:
 1. The Respondent stopped using his personal Comcast email address in 2017 and was therefore not aware of the PDC notices sent to this address;
 2. He filed the F-1 report on September 15, 2021, within two days of speaking with PDC staff; and
 3. He did not run for reelection after his term ended in 2019 because he sought election to another office in a different water district and subsequently believed his term with Columbia Valley Park and Recreation District had ended.

- On January 13, 2022, PDC staff served the Respondent, by email, with a hearing notice for a January 27, 2022 Reconsideration Hearing before the Public Disclosure Commission, along with instructions on how to participate in the hearing remotely. This notice was sent to the Respondent's personal Gmail email address.

Exhibit List:

- Exhibit 1 – PDC Case 94254 – Brief Enforcement Hearing Notice, served June 26, 2021
Exhibit 2 – PDC Case 94254 – Initial Order Imposing Fine, entered August 12, 2021
Exhibit 3 – PDC Case 94254 – Respondent's F-1 report, filed September 17, 2021
Exhibit 4 – PDC Case 94254 – Respondent's email stating reasons for appeal, dated December 13, 2021
Exhibit 5 – PDC Case 94254 – Reconsideration Hearing Notice, served January 13, 2022