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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 MARCO GONZALES,  
10 Respondent.  
11

PDC CASE NO. 95218  
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 Marco Gonzales (Respondent), requested reconsideration of the Presiding Officer's Order,  
16 issued following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) held August 12,  
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 Tabitha Townsend, PDC Compliance Coordinator. The Respondent did not appear  
24 on his own behalf. The proceeding was open to the public as limited by Governor's Proclamation  
25 20-28 *et seq.* and recorded.

26 The Commissioners had before them the following materials:

- 1 1. Case memorandum dated October 20, 2021, prepared by Tabitha Townsend, PDC  
2 Compliance Officer;
- 3 2. Brief Enforcement Hearing Notice dated July 22, 2021;
- 4 3. Initial Order Imposing Fine, issued September 15, 2021;
- 5 4. Candidate information from the Secretary of State for Rainier School District 307,  
6 voter count, jurisdiction map, and email communications from PDC staff  
7 reviewing the jurisdiction information.
- 8 5. Respondent's request for reconsideration, dated October 13, 2021;
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#### 10 I. FINDINGS OF FACT

11 This matter involves Marco Gonzales (Respondent), a candidate for School Director for  
12 Rainier School District 307 during election year 2021. During a Brief Enforcement Hearing held  
13 on August 12, 2021, Respondent was found to have violated RCW 42.17A.700 for failure to  
14 timely file a Personal Financial Affairs Statement (F-1 Report) within two weeks of becoming a  
15 candidate or no later than June 4, 2021. At the Brief Enforcement Hearing, an Order imposing  
16 a \$250 civil fine, with \$125 suspended, was entered. The Respondent has no prior violations of  
17 RCW 42.17A.700 with the PDC.

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19 1. On July 22, 2021, PDC staff emailed a hearing notice for a Brief Adjudicative  
20 Proceeding (Brief Enforcement Hearing) to be held on August 12, 2021, to Respondent's email  
21 address of record.

22 2. On September 15, 2021, PDC staff served the Initial Order memorializing the  
23 Commission's ruling, by email, to the contact mailing address of record.

24 3. As of the date of this hearing, the F-1 report has not been filed covering the prior  
25 twelve months financial activity.

26 4. On October 13, 2021, PDC staff received an email requesting the case be

1 reconsidered based upon the Respondent's uncertainty of how jurisdiction for reporting  
2 requirements is determined.

3 5. Rainier School District has 4,120 registered voters according to the 2020 Election  
4 Database information from the Secretary of State. There are five School Director positions  
5 within the District. The Respondent is a candidate for Position Five. PDC staff communicated  
6 the jurisdiction information, showing the District was large enough to require Director  
7 candidates to file with the PDC, to the Respondent via email on July 21, 2021, August 6, 2021,  
8 and September 9, 2021.

## 10 II. CONCLUSIONS OF LAW

11 1. The Commission has jurisdiction over this proceeding pursuant to Chapter  
12 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the  
13 Administrative procedure Act; and Title 390 WAC.

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15 2. Pursuant to RCW 42.17A.700, a candidate for office in 2021 was required to file  
16 an F-1 report disclosing financial information for the prior twelve months within two  
17 weeks of becoming a candidate or not later than June 4, 2021.

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19 3. The Respondent violated RCW 42.17A.700 by failing to timely file the F-1  
20 report that was due no later than June 4, 2021.

## 22 II. ORDER

23 The Request for Reconsideration is GRANTED. This Order on Reconsideration will be  
24 the Final Order. The civil penalty of \$250, with \$150 suspended, imposed at the August 12,  
25 2021, hearing is MODIFIED as follows:  
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1. Respondent Marco Gonzales is assessed a total civil penalty of \$250, with \$250 suspended, on the following conditions:

- a. The missing F-1 Report is filed with the PDC 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 this Final Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.

SO ORDERED this 16<sup>th</sup> day of November, 2021.

WASHINGTON STATE PUBLIC  
DISCLOSURE COMMISSION

FOR THE COMMISSION:



Fred Jarrett,  
Chair, Public Disclosure Commission

*This order sent by email to:*  
Marco Gonzales, Respondent  
Marcognzls360@gmail.com

Tabitha Townsend,  
PDC Compliance Coordinator,  
pdc@pdc.wa.gov

I, Tabitha Townsend, certify that I emailed a copy of this order to the Respondent at his respective email and mailing addresses.

<u>Electronically Signed by Tabitha Townsend</u>	<u>November 16, 2021</u>
Signed	Date

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2 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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