



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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William (Beau) Burkett III  
1739 COLLINS RD  
Buckley WA 98321-9480

Delivered electronically to “mtn.goat@icloud.com and sandralee.6@icloud.com”

October 14, 2021

Subject: F-1 Enforcement Hearing Notice and Notice of Administrative Charges; PDC Case Number 95222

Dear William (Beau) Burkett III:

The Public Disclosure Commission (PDC) has not received your Campaign Registration (C-1 Report) for your 2021 campaign for Mayor of the City of Buckley and Personal Financial Affairs Statements (F-1 reports) disclosing financial activities for the prior twelve months. Alleged Violations of RCW 42.17A.205 & .700 for failure to timely file Campaign Registration (C-1 report) & failure to timely file Personal Financial Statement (F-1 report) due within two weeks of becoming a candidate or no later than June 4, 2021.

In accordance with RCW 42.17A.110 and RCW 42.17A.755, an Adjudicative Proceeding (Enforcement Hearing) has been scheduled to determine if you violated RCW 42.17A.205 & .700 for failure to timely file Campaign Registration (C-1 report) & failure to timely file Personal Financial Statement (F-1 report) due within two weeks of becoming a candidate or no later than June 4, 2021. Under the Enforcement Hearing rules, the Commission has the authority to assess a civil penalty in accordance with WAC 390-37-182, an Enforcement Hearing penalty schedule adopted by the Commission (see enclosed copy).

**HEARING INFORMATION**

Date and time: **October 28, 2021 at 1:00 p.m.**  
Place: Remotely from Olympia  
*Live Audio and Online Transmission*  
Presiding Officer: Public Disclosure Commission

## **PARTICIPATING BY TELEPHONE**

The Public Disclosure Commission meeting will be streamed live at <https://www.youtube.com/user/WASTPDC/live> Commission members and staff will join the meeting remotely.

Anyone wishing to participate in the hearing by telephone must follow the instructions below and **call into the meeting at 12:45 p.m. on October 28, 2021**. Please stay on the call until the Commission Chair calls your name and case number. ***Please note that you must keep your phone on mute at all times except while your case is being heard.*** Use \*6 to mute your phone and \*6 again to unmute when it is your turn to speak.

**Join on your telephone by dialing:**

**1 564-999-2000**

**Follow the verbal prompts and enter the Phone Conference ID: 227 346 345#**

Use \*6 on your telephone keypad to mute your call and use \*6 again to unmute your phone when it is your turn to speak.

If you experience technical difficulties with the call-in participation after 1:30 p.m., call the PDC's main number 1-360-753-1111 option 1 and staff will try to assist you.

## **PARTICIPATION REMOTE (VIDEO & AUDIO) VIA MS TEAMS**

On the date of the meeting and at the designated agenda time you will Join: Microsoft Teams meeting info for (October 28,2021)

Join on your computer or mobile app [Click Here to Join Meeting](#)

\*If you need this link sent to you at a different email address than listed on this notice, please email [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) or call 360-753-1111 option 2.

Please remember to **mute** yourself and turn your **camera off** when you are not talking and **unmute/turn camera on** when needed.

## **INTERPRETER**

If a party or witness to this proceeding speaks limited English or is hearing-impaired, and needs an interpreter, a qualified interpreter will be appointed for the proceedings. If you require an interpreter for this proceeding and/or translation of its written materials in a language other than English. Please contact us by email at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) or call us at (360) 753-1111 or 1-877-601-2828 to request an interpreter no later than **Thursday, October 21, 2021.**

## **SUBMITTING WRITTEN MATERIALS**

In advance of the Enforcement Hearing, you may provide a written response describing the facts of your case for consideration by the Commission, including any circumstances or mitigating factors you would like considered. Please submit your written response so it is **received by PDC staff no later than 12:00 p.m. Wednesday, October 27, 2021.**

## **SUBMITTING C-1 & F-1 REPORTS**

You are strongly encouraged to complete and submit your C-1 and F-1 reports prior to the Enforcement Hearing so that they are received by the PDC prior to the proceedings. Staff will require notice of your filings by **12:00 p.m. on Wednesday, October 27, 2021.** You may email staff at [pdcc@pdc.wa.gov](mailto:pdcc@pdc.wa.gov), including your case# in the subject line, or call our office at 360-753-1111 to ensure your filings are processed and on file.

The C-1 and F-1 reports must be filed electronically. Online C-1 and F-1 Instructions are enclosed.

If you have any questions about the hearing process prior to the hearing date, please contact PDC Staff by email at [pdcc@pdc.wa.gov](mailto:pdcc@pdc.wa.gov) and be sure to reference your case number in the subject line of the email.

Sincerely,  
PDC Staff  
Compliance and Enforcement Division

### Enclosures

- C-1 report Instructions
- F-1 report Instructions
- PDC Penalty Schedule

## How to Register Your Candidacy (C-1 Report) with the PDC

Candidates for most state and local offices in Washington are required to register with the Public Disclosure Commission. Registration is done electronically\* through the PDC's website.

To begin, you must have a Secure Access Washington (SAW) account. SAW allows you to securely file data with many Washington state agencies. If you already have a SAW account, use that one for your PDC filing — you don't have to make a new account for us.

If you don't have a SAW account, it's a quick and easy process to get one. You can create a SAW account [on this web page](#). We have a video that shows you how [here](#).

Once you've created a SAW account, you should follow [this link](#) to get to the campaign registration site. (You will not find the PDC listed among SAW's "Add A Service" options.)

The PDC's campaign registration system will lead you through the steps required to register your candidacy. The first step is to choose "Register a new candidate or committee" on the first screen of the registration system. From there, the system will ask a series of questions designed to collect the required information about your candidacy. [This video](#) shows you how it works.

The registration system helps filers get it right by calling their attention to missing information and not allowing registrations to be submitted until that information is provided. Filling in a required field with n/a, "none" or some other filler language will likely result in the PDC returning your registration to you.

Filers often ask whether they must report the name of a bank if they don't expect to raise money and don't have a campaign account. The answer is yes. [State law](#) requires candidates to report the name and address of their depositories. If you do not have a bank account for your campaign, report the name of the bank where you would likely open an account if your campaign later decides to have one. If at some point you do open a bank account, and it's at a different institution than what you originally reported, you can amend your registration to reflect that change.

Once you submit your candidacy information to the PDC, we will verify that you have supplied the required information and process your registration. You will receive an email once that process is complete.

\*State law requires use of electronic filing when a system is available. Filers can request a hardship exemption to electronic filing based on lack of technological ability. Hardship exemption requests can be emailed to [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

Source URL: <https://www.pdc.wa.gov/file-your-registration>

### Who Must File – Candidates who seek:

- state office (legislative or statewide executive).
- a state supreme court or state court of appeals position.
- local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county; or
- local office in jurisdictions of any size if the candidate receives or expects to receive \$5,000 or more in contributions

**When to File** – Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she **first** does any of the following:

- receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy.
- purchases commercial advertising space or broadcast time to promote his or her candidacy.
- authorizes another person to take one of these above actions on his or her behalf.
- announces publicly that he or she is seeking office; or
- files a declaration of candidacy with the appropriate elections official

**Where to File** – Online at <https://apollo.pdc.wa.gov/campaign/committees> Reports are considered filed as of the date they are electronically filed with the PDC. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy for the campaign's records.

**When to Amend** – Within 10 days of a material change to information provided on previously filed C-1.

**“Officer” of a Candidate’s Committee** – Officer of a candidate’s committee includes the following persons:

- any person designated as an officer on the C-1 registration statement; and
  - any person who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee
- [WAC 390-05-245]

**For Instruction Manuals, click on the “Learn” tab at [www.pdc.wa.gov](http://www.pdc.wa.gov)**

## How to file your Personal Financial Affairs Statement (F-1 Report) with the PDC

<https://www.pdc.wa.gov/engage/news/new-f-1-reporting-experience-now-live>

January 8, 2020

Electronic filing of financial affairs disclosure (F-1) statements has moved to a new user experience designed to simplify filing and to help filers know what to report. See our video for a brief overview of the new system and its features. You can also watch this longer training video for step-by-step instruction.

Appointed and elected officials required to submit Personal Financial Affairs (F-1) disclosures will use the new online system to submit their statements.

Here is how to get access to the new system:

1. Set up a SAW account to get started, you'll need a Secure Access Washington (SAW) account if you don't already have one. This PDC video offers a guide to establishing a SAW account.

In setting up your SAW account, you might want to use an email that you have established already with the PDC. That will be the easiest way to get linked to your F-1 information.

2. Go to the new system Once you have a SAW account, log into it, and go to the new system using this link: Financial Affairs online reporting system. Please note that the system is not compatible with Internet Explorer.

If you don't see your name in the upper right-hand corner of the application, you can request access by clicking on "New filer." Enter the email you last used to file a F-1 with the PDC. You should receive an email with a one-time security code that you will need to use to access your reports.

If the email address you've used previously for PDC filings is one you no longer can access, contact the PDC customer service staff at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) to report the new email address that you'll use for PDC reporting. Then, return to the application and request access.

### 3. Start filing

Once you've established access, you will see the landing page of the new filing application. You can click the button labeled "Prior" to see your past F-1 statements. Or, if you're ready to begin filing, click the "Start" button.

### 4. Find help

Questions about what to report? The application itself includes pop-up windows (marked with a "?" icon) and a FAQ (see the Help? link in the upper right-hand corner) that leads you to instructions on our website. Our full F-1 reporting manual also is available here. If you don't see the answer to your question, contact us at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

**Penalty Schedule** [[WAC 390-37-182](#)]:

**WAC 390-37-182 Penalty factors (full adjudicatory proceedings).**

1) In assessing a penalty after a full adjudicatory proceeding, the commission considers the purposes of chapter [42.17A](#) RCW, including the public's right to know of the financing of political campaigns, lobbying and the financial affairs of elected officials and candidates as declared in the policy of RCW [42.17A.001](#); and, promoting compliance with the law. The commission also considers and applies RCW [42.17A.755](#) and may consider any of the additional factors described in subsection (3) of this section.

(2) Under RCW [42.17A.755](#), the commission:

- (a) May waive a penalty for a first-time violation;
- (b) Must assess a penalty for a second violation by the same person or individual, regardless if the person or individual committed the violation for a different political committee;
- (c) Must assess successively increased penalties for succeeding violations pursuant to the following schedule:

<b>Violations:</b>			
<b>Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 Report) / (2) Candidate Registration / (C-1 Report) / (3) Lobbyist Monthly Expense Report (L-2 Report) / (4) Lobbyist Employer Annual Report (L-3 Report) and (5) Local Treasurer's Annual Report (T-1 Report).</b>			
	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
Filed missing report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Report is filed late and is incomplete or inaccurate.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,000 - \$3,000
<b>Respondent failed to file or timely file accurate and complete campaign disclosure reports:</b>			
<b>Cash Receipts Monetary Contributions Report (C-3 Report)</b>			
Filed missing C-3 Report or amended C-3 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to timely deposit monetary contributions within five business days of receipt.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to include employer and occupation information for contributors of more than \$100.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
<b>Campaign Summary Receipts and Expenditures Report (C-4 Report)</b>			
Filed missing C-4 Report or amended C-4 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly report the "purpose" of an expenditure under RCW <a href="#">42.17A.240</a> (6) or <a href="#">42.17A.255</a> (5)(b).	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly report expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to report a contractual contingent liability.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000

Failed to properly dispose of surplus funds.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly make campaign books of account available for public inspection as required immediately preceding the date of an election.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Independent Expenditure Report (C-6 Report)			
Filed missing C-6 Report or amended C-6 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Report is filed late and is incomplete or inaccurate.	\$0 - \$1,500	\$1,500 - \$2,500	\$2,500 - \$10,000
Out-of-State Political Committee Report (C-5 Report)			
Filed missing C-5 Report or amended C-5 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Last Minute Contribution Report (LMC report)			
Filed missing LMC report or amended LMC report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Exceeding contribution limits			
Refunded contributions after being notified of the complaint, over limit contributions were not significant, and respondent provided written explanation with mitigating circumstances.	\$0 - \$1,500	\$1,500 - \$2,500	\$2,500 - \$10,000
<b>Other Alleged Violations:</b>			
Exceeding mini reporting threshold			
Filed C-3 and C-4 Reports for full reporting after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Failure to file electronically			
Filed C-3 and C-4 Reports electronically after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Use of public facilities for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition			
Use of public facilities was incidental and isolated, and evidence was not submitted indicating that the use may have affected the outcome of the election.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Failure to File Lobbyist Registration Report (L-1 Report)			
Filed missing L-1 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Failure to File Agency Lobbying Report (L-5 Report)			
Filed missing L-5 Report or amended L-5 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Grassroots Lobbying Report (L-6 Report)			
Filed missing L-6 Report or amended L-6 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Sponsor identification requirements for political advertising			
Political advertising failed to include any sponsor identification or included improper or misleading sponsor identification.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500

Party preference requirement for political advertising			
Political advertising failed to include a candidate's party preference.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Use of current picture requirement in political advertising			
Political advertising fails to include at least one picture of the candidate used in the advertising that was taken within the last five years, that is no smaller than any other picture of the same candidate used in the same advertisement.	\$0 - \$500	\$500 - \$1,000	\$1,000 - \$1,500
Political advertising or electioneering communication—Libel or defamation per se			
Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
Commercial advertisers—Public inspection of documents			
Commercial advertisers who after accepting or providing political advertising or electioneering communications during an election campaign fail to maintain records and books of account, or make such information available by the methods provided under WAC <a href="#">390-18-050</a> .	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
Candidates and political committees—Public inspection of books of account			
Candidates or political committees who fail to accommodate requests for public inspections as required by WAC <a href="#">390-16-043</a> .	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
Limitations on employers or labor organizations			
Failed to maintain open for public inspection, during normal business hours, documents and books of accounts showing a copy of each employee's request for funds to be withheld for transfer to a political committee.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400

3) In addition to the requirements of RCW [42.17A.755](#), the commission may consider the nature of the violation and any relevant circumstances, including the following factors:

(a) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(b) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period, or otherwise had a significant or material impact on the public;

(c) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization;

(d) Amount of financial activity by the respondent during the statement period or election cycle;

(e) Whether the noncompliance resulted from a knowing or intentional effort to conceal, deceive or mislead, or violate the law or rule, or from collusive behavior;

(f) Whether the late or unreported activity was significant in amount or duration under the

circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(g) Whether the respondent or any person, including an entity or organization, benefited politically or economically from the noncompliance;

(h) Personal emergency or illness of the respondent or member of his or her immediate family;

(i) Other emergencies such as fire, flood, or utility failure preventing filing;

(j) PDC staff or equipment error, including technical problems at the PDC preventing or delaying electronic filing;

(k) The respondent's demonstrated good-faith uncertainty concerning staff guidance or instructions;

(l) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention (e.g., filing missing reports, amending incomplete or inaccurate reports, returning prohibited or overlimit contributions);

(m) Whether the respondent is a first-time filer;

(n) Good faith efforts to comply, including consultation with PDC staff prior to initiation of enforcement action and cooperation with PDC staff during enforcement action, and a demonstrated wish to acknowledge and take responsibility for the violation;

(o) Penalties imposed in factually similar cases; and

(p) Other factors relevant to a particular case.

(4) The commission may consider the factors in subsections (1) through (3) of this section in determining whether to suspend a portion or all of a penalty upon identified conditions, and whether to accept, reject, or modify a stipulated penalty amount recommended by the parties.

(5) Notwithstanding the above schedule, the commission may assess a penalty of up to ten thousand dollars per violation, or a greater amount if agreed to by the parties, pursuant to RCW [42.17A.755](#), based on the aggravating factors set forth in subsections (1) through (3) of this section.

(6) The penalty schedule for brief enforcement proceedings is provided under WAC [390-37-143](#).

[Statutory Authority: RCW [42.17A.110](#)(1), 2019 c 428, and 2019 c 261. WSR 20-02-062, § 390-37-182, filed 12/24/19, effective 1/24/20. Statutory Authority: RCW [42.17A.110](#)(1) and 2018 c 304. WSR 18-24-074, § 390-37-182, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW [42.17A.110](#)(1). WSR 16-01-015, § 390-37-182, filed 12/4/15, effective 1/4/16. Statutory Authority: RCW [42.17A.110](#), [42.17A.755](#). WSR 13-05-014, § 390-37-182, filed 2/7/13, effective 3/10/13.]