



State of Washington PUBLIC DISCLOSURE COMMISSION

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To: Public Disclosure Commission

From: Tabitha Townsend, Compliance Coordinator

Date: October 18, 2021

Re: Candidate for Mayor and Former City Council Member William (Beau) Burkett III,
PDC Case **95222**

Agenda Item

PDC staff is alleging that William (Beau) Burkett, a Candidate for Mayor of the City of Buckley in the 2021 Election Cycle, violated RCW 42.17A.205 by failing to register his campaign (C-1 report) within two weeks of becoming a candidate or no later than June 4, 2021 and RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) within two weeks of becoming a candidate or no later than June 4, 2021, disclosing financial information for the prior twelve months.

Background

- William (Beau) Burkett III was a City Councilmember for the City of Buckley, from 2015 through his term expiring December 31, 2019. He is now seeking election to the position of mayor.
- As a candidate during the 2021 election cycle Mr. Burkett is required to register his Campaign (C-1 report) and file a Personal Financial Affairs Statement (F-1 report) disclosing financial information for the prior twelve months within two weeks of becoming a candidate or no later than June 4, 2021.
- As of the date of this memo, the only F-1 filed by Mr. Burkett was dated August 5, 2015, covering his prior twelve months, October 2014 – October 2015.
- As of the date of this memo, there has not been a C-1 report filed by Mr. Burkett.
- On October 14, 2021, the PDC staff mailed Hearing Notices to both the home and P.O. Box addresses on file for Mr. Burkett.

- On October 18, 2021 the PDC staff served Mr. Burkett with an emailed Hearing Notice.
- There is currently an outstanding balance owing of \$2,850 from prior penalties assessed on four prior cases for violations of RCW 42.17A.700: \$1,000 for PDC case 80176, \$500 for PDC Case 38794, \$1,000 for PDC Case 22221, \$250 for PDC Case 10036 and \$100 for PDC Case 16-242. No payments have been received on these penalties to date.

Prior PDC Enforcement History

- PDC Case 80176: At the February 25, 2021, Brief Enforcement Hearing, Mr. Burkett was found in violation of RCW 42.17A.700 by failing to file an F-1 reports for calendar year 2018 and 2019, which were due not later than April 15, 2019 and April 15, 2020 respectively. Mr. Burkett was assessed a total civil penalty of \$1,000 for the missing F-1 reports, in accordance with F-1 penalty schedule adopted by the Commission which was in effect at the time.
- PDC Case 38794: At the October 25, 2018 Brief Enforcement Hearing, Mr. Burkett was found in violation of RCW 42.17A.700 by failing to file an F-1 report for calendar year 2017, which was due not later than April 16, 2018. Mr. Burkett was assessed a penalty of \$500 for the missing F-1 report, in accordance with F-1 penalty schedule adopted by the Commission which was in effect at the time.
- PDC Case 22221: At the August 23, 2017 Brief Enforcement Hearing, Mr. Burkett was found in violation of RCW 42.17A.700 by failing to file an F-1 report for calendar year 2016, which was due not later than April 17, 2017. Mr. Burkett was assessed a penalty of \$1,000 for the missing F-1 report, in accordance with F-1 penalty schedule adopted by the Commission which was in effect at the time.
- PDC Case 10036: At the January 20, 2017 Brief Enforcement Hearing, Mr. Burkett was found in violation of RCW 42.17A.700 by failing to file an F-1 report for calendar year 2015, which was due not later than April 15, 2016. Mr. Burkett was assessed a penalty of \$250 for the missing F-1 report, in accordance with F-1 penalty schedule adopted by the Commission which was in effect at the time.

Staff Recommendation/Comments

Staff recommends the Commission find that William (Beau) Burkett III violated: (1) RCW 42.17A.205 by failing to file the Candidate Registration (C-1 report) disclosing information concerning his 2021 Campaign; and (2) RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) disclosing personal financial information for the prior twelve months. The C-1 and F-1 reports were both due within two weeks of becoming a candidate or no later than June 4, 2021.

1. Staff further recommends the Commission assess Mr. Burkett a total civil penalty of \$3,000, in accordance with the Penalty factors listed in WAC 390-37-182 for the two violations. Staff would note that the Penalty Schedule does not address the specific facts in this instance, and staff is recommending the Commission assess the penalty in accordance to the penalty ranges for each occasion for the C-1 and F-1 reports, as follows:

- Assess a \$1,000 civil penalty for failing to file or timely file the C-1 report based on the penalty factors, that included this being the Respondent's first occasion for failing to file the C-1 report at an Enforcement Hearing before the Full Commission.
- Assess a \$2,000 civil penalty for failing to file or timely file the F-1 report, based on the penalty factors that included this being the Respondent's second occasion for failing to file the F-1 report at an Enforcement Hearing before the Full Commission, the Respondent has several prior F-1 violations and has outstanding penalties owed that have been sent to collection.

The \$3,000 civil penalty is payable within 30 days of the date of the Order, if not paid within 30 days is to be forwarded to collections without further action of the commission.

2. Order Mr. Burkett to file his required PDC reports in accordance with RCW 42.17A.755(4); and to file the missing C-1 and F-1 reports for his 2021 campaign within 30 days of the date of the Order.