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

In Re: The Matter of Enforcement Action  
Against:

JACK PHILBRICK,  
  
Respondent.

PDC CASE NO. 95364  
  
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 Jack Philbrick requested reconsideration of the Presiding Officer’s Order served on September 15, 2021, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) on August 12, 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 his attorney, Will Gunderson, appeared on his behalf.

1 The proceeding was open to the public as limited by Governor’s Proclamation 20-25 *et. seq.* and  
2 recorded.

3 The Commissioners had before them the following materials:

- 4       ▪ Case Memorandum dated January 27, 2022, prepared by Tabatha  
5       Blacksmith, PDC Compliance Coordinator;
- 6       ▪ Brief Enforcement Hearing Notice, served July 20, 2021;
- 7       ▪ Letter from Respondent, received August 5, 2021, and related emails.
- 8       ▪ Initial Order Imposing Fine, entered September 13, 2021;
- 9       ▪ Respondent’s written request for reconsideration, received October 12,  
10       2021 and October 13, 2021;
- 11       ▪ Reconsideration Hearing Notice, served January 13, 2022.

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13 **I. FINDINGS OF FACT**

14 The matter involved Respondent’s request that the Commission reconsider an Initial  
15 Order entered on September 13, 2021, resulting from an Initial Hearing on August 12, 2021,  
16 regarding Jack Philbrick, a candidate for School Director of Eatonville School District 404  
17 during calendar year 2021. He was a first time candidate. The Presiding Officer at the Brief  
18 Adjudicative Proceeding found the Respondent in violation of RCW 42.17A.205 and .700 for  
19 failure to timely file a Candidate Registration (C-1 report) and a Personal Financial Affairs  
20 Statement (F-1 Report) with the Public Disclosure Commission no later than June 4, 2021. At  
21 the August 12, 2021, hearing, an Order was entered imposing a total civil penalty of \$500, with  
22 \$200 suspended, which the Respondent now requests the Commission reconsider. The  
23 Respondent has no prior violations with the PDC.  
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1. In May and June of 2021, PDC staff sent email reminders to all elected and appointed officials regarding their missing C-1 or F-1 reports or both.
2. On June 17, 2021, PDC staff emailed the Respondent a warning notice regarding the missing C-1 and F-1 reports. The notice was sent to the Respondent's official email address of record.
3. On July 20, 2021, PDC staff emailed the Respondent a hearing notice for a Brief Adjudicative Proceeding (Brief Enforcement Hearing) to be held on August 12, 2021. The hearing notice was sent to the Respondent's email address of record.
4. On August 5, 2021, the PDC received and subsequently responded to a letter from the Respondent by mail where he indicated he had attempted to withdraw his candidacy with Election Officials but was unable to meet their deadlines.
5. At the Brief Enforcement Hearing held on August 12, 2021, the Respondent was found in violation of RCW 42.17A.205 and .700 for failure to timely file the missing C-1 and F-1 Reports not later than June 4, 2021, and was assessed a total civil penalty of \$500 consistent with WAC 390-37-143, the Brief Enforcement Hearing penalty schedule adopted by the Commission. The Presiding Office suspended \$200 of the \$500 penalty conditioned upon the Respondent filing the missing C-1 and F-1 reports and paying the non-suspended \$300 penalty within 30 days of the Initial Order being entered.

1 6. On September 15, 2021, the Respondent was served with the September 13,  
2 2021, Initial Order memorializing the Commission's ruling to the Respondent's  
3 email address of record.  
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6 7. On October 12 and 13, 2021, the PDC received written material from the  
7 Respondent's attorney, Will Gunderson, requesting an appeal of the September  
8 13, 2021 order. The request was based on the Respondent's attempts to  
9 withdraw from or terminate his candidacy, and the hardship involved with  
10 collecting and disclosing Respondent's various business dealings on the C-1 and  
11 F-1 reports. The attorney requested waiving the Respondent's disclosure  
12 requirements.  
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14 8. On November 18, 2021, PDC staff served the Respondent by email with a  
15 hearing notice for a December 2, 2021, Reconsideration hearing. The  
16 Respondent's attorney requested a continuance due to a trial conflict.  
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19 9. On January 13, 2022, PDC staff served the Respondent by email with a hearing  
20 notice for a January 27, 2022 Reconsideration Hearing before the Public  
21 Disclosure Commission, along with instructions on how to participate in the  
22 hearing remotely.  
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10. As of the January 27, 2022, hearing, the Respondent has not filed either the C-1 or F-1 reports.

## II. CONCLUSIONS OF LAW

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.205, a candidate for election year 2021 was required to file a C-1 report within two weeks of candidacy, or no later than June 4, 2021.
3. 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.

## III. ORDER

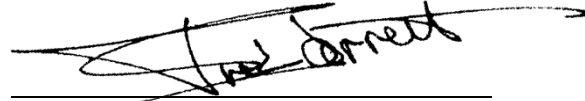
This Order on Reconsideration will be the Final Order. After consideration of the mitigating and aggravating factors, the Findings of Fact, and the Conclusions of Law, the Initial Hearing Order assessing a \$500 civil penalty, with \$200 suspended, is MODIFIED as follows:

1. Respondent Jack Philbrick is assessed a total civil penalty of \$500. The penalty is due within 30 days of the date of this Final Order on Reconsideration.

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

3 WASHINGTON STATE PUBLIC  
4 DISCLOSURE COMMISSION

5 FOR THE COMMISSION:

6 

7 Fred Jarrett,  
8 Chair, Public Disclosure Commission

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10  
11 *This order sent by email to:*

12 Jack Philbrick, Respondent  
13 [jackphilbrick@hotmail.com](mailto:jackphilbrick@hotmail.com)

14 Will Gunderson, Attorney  
15 [enumclawlaw@gmail.com](mailto:enumclawlaw@gmail.com)

16 Tabatha Blacksmith,  
17 PDC Compliance Coordinator  
18 [tabatha.blacksmith@pdc.wa.gov](mailto:tabatha.blacksmith@pdc.wa.gov)

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21 I, Tabatha Blacksmith, certify that I emailed a copy of this  
22 order to the Respondent at his respective email address.

23 Electronically filed Tabatha Blacksmith February 15, 2022  
24 Signed Date

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27 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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