



State of Washington
PUBLIC DISCLOSURE COMMISSION

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Memorandum

To: Public Disclosure Commission

From: Tabatha Blacksmith, Compliance Coordinator

Date: October 12, 2021

Subject: James Muchina Njoroge; PDC Case 95365; Review Hearing

Matter for Review:

During a Brief Enforcement Hearing held on August 12, 2021, James Muchina Njoroge was found to have violated RCW 42.17A.205 for failure to timely file a Candidate Registration (C-1 report) and RCW 42.17A.700 for failure to timely file a Personal Financial Affairs Statement (F-1 report) with the Public Disclosure Commission (PDC) no later than June 4, 2021. At the August 12, 2021 Brief Enforcement Hearing, an Order imposing a \$500 penalty, with \$200 suspended, was entered, which James Muchina Njoroge now requests the Commission review.

Background:

- James Muchina Njoroge (the “Respondent”) is/was a candidate for School Director for Bethel SD 403 during election year 2021.
- The Respondent has no prior violations with the PDC.
- 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.
- Pursuant to RCW 42.17A.700, a candidate for election year 2021 was required to file an F-1 report, disclosing financial information for the prior twelve months, within two weeks of candidacy or no later than June 4, 2021.
- In May and June of 2021, PDC staff sent email reminders to all candidates for election year 2021 regarding their missing C-1 report, F-1 report or both.
- 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 email address-of-record.

- 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. The Respondent replied to PDC staff's email indicating he is not a candidate. PDC staff followed up by email, asking for additional information, but did not receive a reply.
- 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 file the C-1 and F-1 reports no later than June 4, 2021, and was assessed a \$500 penalty, consistent with WAC 390-37-143, the Brief Enforcement Hearing penalty schedule adopted by the Commission. The Presiding Officer 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.
- On September 14, 2021, PDC staff served the September 13, 2021 Initial Order memorializing the Commission's ruling, by email, to the Respondent's email address-of-record.
- Between July 20, 2021 and September 22, 2021, the Respondent sent the PDC a series of emails stating that he was not running for office, does not plan to run for office, and doesn't understand how candidacy works. He indicated he was looking for a job as a substitute teacher.
- PDC staff spoke to the Respondent by telephone on September 22, 2021 and he explained that he did not realize he had registered as a candidate. He reiterated that he was only looking for a job.
- On September 22, 2021, PDC staff also reached out to Pierce County Elections regarding the Respondent's candidacy and they stated that the deadline to withdraw as a candidate was May 28, 2021 and the Respondent missed the deadline. They confirmed that there was no candidate filing fee associated with the School Director position with Bethel SD 403.
- The Respondent has not filed the C-1 report or F-1 report as of the date of this hearing.

Request for Review:

- On September 22, 2021, the Respondent emailed PDC staff and indicated his intent to appeal the September 13, 2021 Order based upon the fact that he filed as a candidate by mistake.
- On October 4, 2021, PDC staff served the Respondent, by email, with a hearing notice for an October 12, 2021 Review Hearing before the Public Disclosure Commission, along with instructions on how to participate in the hearing remotely.