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

9 In Re: The Matter of Enforcement Action  
10 Against:

11 JAMES MUCHINA-NJOROGE,  
12 Respondent.  
13

PDC CASE NO. 95365

FINAL ORDER ON REQUEST  
FOR REVIEW

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15 This matter was heard remotely by the Washington State Public Disclosure Commission  
16 (Commission) on October 12, 2021, by telephonic and online streaming access. Respondent  
17 James Muchina-Njoroge requested review of the Presiding Officer's Order entered on September  
18 13, 2021, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) on August  
19 12, 2021, in this matter. The hearing was held in accordance with Chapters 34.05 and 42.17A  
20 RCW, and Chapter 390-37 WAC.

21 Commissioners present both telephonically and online were Fred Jarrett, Commission  
22 Chair (presiding); Nancy Isserlis, Commission Vice-Chair; and Commissioners William  
23 Downing and Allen Hayward. Also present both telephonically and online were Assistant  
24 Attorney General John S. Meader representing the Commission, Assistant Attorney General  
25 Chad Standifer representing PDC Staff, and Jennifer Hansen, PDC Compliance Coordinator.  
26 Notice was provided to the Respondent and he appeared on his own behalf. The proceeding was

1 open to the public as limited by Governor's Proclamation 20-25 *et. seq.* and recorded.

2 The Commissioners had before them the following materials:

- 3 1. Case memorandum dated October 12, 2021, prepared by Tabatha Blacksmith, PDC  
4 Compliance Coordinator;
- 5 2. Brief Enforcement Hearing Notice, served July 20, 2021;
- 6 3. Initial Order Imposing Fine, entered September 13, 2021;
- 7 4. Respondent's emails dated July 20, 2021 through September 22, 2021, and written  
8 request for appeal, received September 22, 2021;
- 9 5. Review of Initial Order Hearing Notice, dated October 4, 2021.

## 10 11 **I. FINDINGS OF FACT**

12 The matter involved Respondent's request that the Commission review an Initial Order  
13 entered on September 13, 2021, resulting from an Initial Hearing on August 12, 2021, regarding  
14 James Muchina-Njoroge, who mistakenly filed as a candidate for School Director for Bethel  
15 School District 403 during election year 2021. The Presiding Officer at the Brief Adjudicative  
16 Proceeding found the Respondent in violation of RCW 42.17A.205 for failure to timely file a  
17 Candidate Registration (C-1 Report) and RCW 42.17A.700 for failure to timely file a Personal  
18 Financial Affairs Statement (F-1 Report) with the Public Disclosure Commission no later than  
19 June 4, 2021. At the August 12, 2021, hearing, the Presiding Officer imposed a \$500 penalty,  
20 with \$200 suspended, which the Respondent now requests the Commission review. The  
21 Respondent has no prior violations with the PDC.

- 22 1. In May and June of 2021, PDC staff sent email reminders to all candidates for  
23 election year 2021 regarding their missing C-1 Report, F-1 Report, or both.
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2. On June 17, 2021, PDC staff emailed the Respondent a Warning Notice regarding the C-1 and F-1 Reports. The hearing notice was sent to the Respondent's 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. 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 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.
5. On September 14, 2021, the Respondent was served with the Initial Order memorializing the Commission's ruling to the Respondent's email address of record.
6. Between July 20, 2021, and September 22, 2021, the Respondent sent the PDC emails stating he was not running for office, does not understand how candidacy works, and filed by mistake when he intended to apply to be a substitute teacher. PDC staff confirmed his intentions by phone on September 22, 2021.

1 PDC staff also contacted Pierce County Elections who stated the deadline to  
2 withdraw as a candidate was May 28, 2021, and there was no filing fee required  
3 to become a candidate for School Director.  
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5 7. On September 22, 2021, the Respondent submitted written materials appealing  
6 the September 13, 2021 order stating that he had never intended to become a  
7 candidate and would not accept the position if elected.  
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9 8. On October 4, 2021, PDC staff served the Respondent, by email, with a hearing  
10 notice for an October 12, 2021 Review Hearing along with instructions on how  
11 to participate in the hearing remotely.  
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## 13 **II. CONCLUSIONS OF LAW**

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15 1. The Commission has jurisdiction over this proceeding pursuant to Chapter  
16 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05  
17 RCW, the Administrative Procedure Act; and Title 390 WAC.  
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19 2. Pursuant to RCW 42.17A.205, a candidate for election year 2021 was required  
20 to file a C-1 Report within two weeks of candidacy or no later than June 4, 2021.  
21

22 3. Pursuant to RCW 42.17A.700, a candidate for election year 2021 was required  
23 to file an F-1 Report, disclosing financial information for the prior twelve  
24 months, within two weeks of candidacy or no later than June 4, 2021.  
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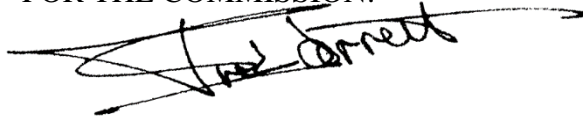
**III. ORDER**

This Order on Review 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 VACATED.

SO ORDERED this 8th day of November, 2021.

WASHINGTON STATE PUBLIC  
DISCLOSURE COMMISSION

FOR THE COMMISSION:



\_\_\_\_\_  
Fred Jarrett,  
Chair, Public Disclosure Commission

*This order sent by email to:*

James Muchina-Njoroge, Respondent  
[Muchaina@yahoo.com](mailto:Muchaina@yahoo.com)

Jennifer Hansen,  
PDC Compliance Officer,  
[Jennifer.Hansen@pdc.wa.gov](mailto:Jennifer.Hansen@pdc.wa.gov)

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

e-signed Tabatha Blacksmith  
Signed

November 9, 2021  
Date

1 **NOTICE: RECONSIDERATION**

2 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for  
3 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon  
4 you. Any Request for reconsideration must state the specific grounds for the relief requested.  
5 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,  
6 711 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.

7 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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