State of Washington
PUBLIC DISCLOSURE COMMISSION
711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

September 13, 2021

NIXON-BURKE JANELLE N
6113 EAST DRIVE
EVERETT WA 98203

And delivered electronically to Outreach@erh-bwc.com

Subject: PDC Order, Case 95376

Dear NIXON-BURKE JANELLE N,

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

At the August 12, 2021, Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of $400, of which $150 is suspended, in accordance with WAC 390-37-143. The $250 non-suspended penalty is payable within 30 days of the date of this Order.

The $250 non-suspended penalty is payable no later than October 13, 2021.

Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:

Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

It is also ordered that you file the missing F-1 report within 30 days of this order, or no later than October 13, 2021.

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdc@pdc.wa.gov.

Sincerely,

Electronically Signed by Tabitha Townsend
PDC Staff

Enclosure: Initial Order

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A NIXON-BURKE JANELLE N, Respondent.	PDC Case 95376 Findings of Fact, Conclusions of Law, and **Order Imposing Fine**

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to NIXON-BURKE JANELLE N dated July 14, 2021, a brief adjudicative proceeding was held on August 12, 2021, remotely from Olympia, WA by live audio and online transmission, to consider whether the Respondent violated RCW 42.17A.205 by failing to timely file a Candidate Registration (C-1 report) and RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report), disclosing personal financial information for the preceding twelve months, which were due to be filed within two weeks of candidacy or no later than June 4, 2021.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Chapter 390-37 WAC. Commissioners Fred Jarrett and Nancy Isserlis were the Presiding Officers. The Commission staff was represented by Compliance Coordinators Tabitha Townsend and Tabatha Blacksmith, and Jennifer Hansen, Political Finance Officer. The Respondent did not participate in the hearing or submit any written materials.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is or was a candidate for SCHOOL DIRECTOR of EVERETT SD 002.

2. As a candidate, the Respondent was required to file C-1 and F-1 reports by June 4, 2021.

3. The Respondent filed the C-1 report after the hearing notice, but before the enforcement hearing.

4. The Respondent did not file the F-1 report by the date of the enforcement hearing.

5. The Respondent has no prior violations.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened, and all jurisdictional, substantive, and procedural requirements have been satisfied.

2. The Respondent violated RCW 42.17A.205 by failing to timely file the C-1 report by June 4, 2021.

3. The Respondent violated RCW 42.17A.700 by failing to file the F-1 report by June 4, 2021.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

1. **IT IS HEREBY ORDERED that the Respondent is assessed a total civil penalty of $400 of which $150 is suspended, in accordance with the candidate C-1 & F-1 penalty schedule set forth in WAC 390-37-143.**

2. **It is further ordered that the Respondent:**

   a. **Pay the $250 civil penalty within 30 days of the date of this Order. If the Respondent fails to pay the $250 within 30 days, PDC staff is directed to refer the matter to collections in the full assessed penalty amount of $400.**

   b. **File the missing F-1 report within 30 days of the date of this Order.**

3. **It is further ordered that $150 of the $400 penalty is suspended on the following conditions:**

   a. **The Respondent is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.**

   b. **The non-suspended portion of the penalty ($250) is paid by the Respondent within 30 days of the date of this Order. If the Respondent fails to pay the non-suspended penalty of $250 within 30 days, the suspended portion of the penalty ($150) shall immediately become due without further action by the Commission and PDC staff is directed to refer the matter to collections in the full penalty amount of $400.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 13th of September 2021.

Public Disclosure Commission

Electronically signed by Peter Frey Lavallee
Peter Frey Lavallee
Executive Director

I, Tabitha Townsend, certify that I mailed a copy of this order to the Respondent at their respective address postage pre-paid, on the date stated herein, and by email.

Electronically Signed Tabitha Townsend	September 13, 2021
Signed	Date

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request by email, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1).

- All requests for review must be submitted electronically to pdc@pdc.wa.gov

REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE THIS INITIAL ORDER WAS ELECTRONICALLY DISTRIBUTED TO YOU.

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. See WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the FINAL ORDER. *See* WAC 390-37-142(7).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542.