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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 TYLER FULLER,
12 Respondent.
13 _____

PDC CASE NO. 95446

FINAL ORDER ON
RECONSIDERATION

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15 This matter was heard remotely by the Washington State Public Disclosure Commission
16 (Commission) on October 28, 2021, by telephonic and online streaming access. Respondent
17 Tyler Fuller requested reconsideration of the Presiding Officer's Order entered on September
18 15, 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 Tabitha Townsend, PDC Compliance Coordinator.
26 Notice was provided to the Respondent and he did not appear on his own behalf. The proceeding

1 was 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 20, 2021, prepared by Tabitha Townsend, PDC
4 Compliance Coordinator;
5 2. Brief Enforcement Hearing Notice, served July 21, 2021;
6 3. Initial Order Imposing Fine, entered September 15, 2021;
7 4. Secretary of State election results, dated September 30, 2021;
8 5. Respondent's written request for review, dated October 6, 2021.
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10 **I. FINDINGS OF FACT**

11 The matter involved Respondent's request that the Commission reconsider an Initial
12 Order entered on September 15, 2021, resulting from an Initial Hearing on August 12, 2021,
13 regarding Tyler Fuller, a candidate for City Council Member of the City of Ellensburg during
14 election year 2021. The Presiding Officer at the Brief Adjudicative Proceeding found the
15 Respondent in violation of RCW 42.17A.205 for failure to timely file a Candidate Registration
16 (C-1 Report) and RCW 42.17A.700 for failure to timely file a Personal Financial Affairs
17 Statement (F-1 Report) with the Public Disclosure Commission no later than June 4, 2021. At
18 the August 12, 2021, hearing, an Order was entered imposing a \$500 penalty, with \$200
19 suspended, which the Respondent now requests the Commission reconsider. The Respondent
20 has no prior violations with the PDC.

- 21 1. On July 21, 2021, PDC staff emailed the Respondent a hearing notice for a
22 Brief Adjudicative Proceeding (Brief Enforcement Hearing) to be held on
23 August 12, 2021. The hearing notice was sent to the Respondent's email
24 address of record.
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2. 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 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.
3. On September 15, 2021, the Respondent was served with the Initial Order memorializing the Commission's ruling to the Respondent's email address of record, alderdeen@gmail.com.
4. On September 20, 2021, Respondent contacted PDC staff regarding the invoice he received by mail.
5. On September 30, 2021, PDC Staff received an email from someone other than the Respondent that alderdeen@gmail.com was not the Respondent's email address.
8. On October 6, 2021, PDC staff spoke to the Respondent and forwarded the invoice and order to alderdeen@gmail.com.
9. As of the date of the hearing the Respondent has not filed either the C-1 or F-1 Reports due no later than June 4, 2021.

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3 10. As of September 30, 2021, the Secretary of State's website showed the
4 Respondent as not qualifying in the top two candidates moving on to the
5 November 2, 2021, General Election.

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7 11. On October 6, 2021, the Respondent submitted written materials appealing the
8 September 15, 2021, order stating he had attempted to resign from the election
9 with the election office because he was ineligible due to living outside the
10 boundaries of the jurisdiction.

11 **II. CONCLUSIONS OF LAW**

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13 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
14 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05
15 RCW, the Administrative Procedure Act; and Title 390 WAC.

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17 2. Pursuant to RCW 42.17A.205, a candidate for election year 2021 was required
18 to file a C-1 Report within two weeks of candidacy or no later than June 4, 2021.

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

23 **III. ORDER**

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25 This Order on Reconsideration will be the Final Order. After consideration of the
26 mitigating and aggravating factors, the Findings of Fact, and the Conclusions of Law, the

1 Initial Hearing Order assessing a \$500 civil penalty, with \$200 suspended, is MODIFIED as
2 follows:
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4 1. Respondent Tyler Fuller is assessed a total civil penalty of \$300, with \$200
5 suspended, on the following conditions:

6 a. The \$100 non-suspended portion of the civil penalties due for violation
7 of RCW 42.17A.205 and .700 is paid by the Respondent within 30 days
8 of the date of this Final Order.

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10 b. The Respondent remains in full compliance with all PDC reporting
11 requirements and is not found to have committed any further violations of
12 Chapter 42.17A RCW or Title 390 WAC within four years of the date of
13 this Final Order. The suspended penalty shall not be assessed based solely
14 upon any remediable violation, minor violation, or error classified by the
15 Commission as appropriate to address by a technical correction.

16 2. If the Respondent fails to make timely payment of the non-suspended portion
17 (\$100) of the civil penalty in full within 30 days of this order, the suspended civil
18 penalty (\$200) shall immediately become due without further action by the
19 Commission.
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21 SO ORDERED this 16th day of November 2021.

22 WASHINGTON STATE PUBLIC
23 DISCLOSURE COMMISSION

24 FOR THE COMMISSION:

25 

26 Fred Jarrett,
Chair, Public Disclosure Commission

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2 *This order sent by email to:*

3 Tyler Fuller, Respondent
4 alderdeen@gmail.com

5 Tabitha Townsend,
6 PDC Compliance Coordinator,
7 pdc@pdc.wa.gov

I, _Tabitha Townsend_, certify that I emailed a copy of this order
to the Respondent at his respective email and mailing addresses.

Electronically Signed by Tabitha Townsend November 16, 2021

Signed

Date

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11 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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