



State of Washington
PUBLIC DISCLOSURE COMMISSION

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Memorandum

To: Public Disclosure Commission

From: Tabitha Townsend, Compliance Coordinator

Date: March 17, 2022

Subject: Danny Walling Enforcement Hearing Memorandum: PDC Case 102995

Allegations:

PDC staff alleges that Danny Walling, an incumbent Fire Commissioner for Clark Fire Protection District 10, violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) for calendar year 2020 that was due no later than April 15, 2021.

Background:

- Danny Walling (the “Respondent”) was most recently elected Fire Commissioner for the Clark County Fire Protection District 10 in 2017.
- Pursuant to RCW 42.17A.700, an elected or appointed official who held office in 2020 was required to file an F-1 report, disclosing personal financial information for calendar year 2020, no later than April 15, 2021.
- In March and April of 2021, PDC staff sent email reminders to all elected and appointed officials regarding their missing F-1 reports for calendar year 2020.
- On May 13, 2021, PDC staff emailed the Respondent a warning notice regarding the missing F-1 report. The notice was sent to the Respondent’s email address-of-record, which is a personal email.
- On March 14, 2022, PDC staff served the Respondent, by email and mail, with a hearing notice for a March 24, 2022 Enforcement Hearing before the full Public Disclosure Commission concerning his failure to file the F-1 report. (**Exhibit 1**)
- As of March 17, 2022, the Respondent has not filed the missing F-1 report covering calendar year 2020 that was due no later than April 15, 2021.

Prior Violations of RCW 42.17A.700:

The Respondent has two prior violations of RCW 42.17A.700 that occurred within the last five years:

Prior Violation (PDC Case 22190)

- The Respondent failed to timely file an F-1 report for calendar year 2016, which was due no later than April 17, 2017.
- On September 28, 2017, an Enforcement Hearing was held before the Commission, in which the Respondent was found in violation of RCW 42.17A.700 and assessed a \$1,000 penalty for failing to file an F-1 report that was due no later than April 17, 2017. PDC staff served the Final Order to the Respondent, by mail and email, on October 10, 2017. **(Exhibit 2)**
- On October 4, 2017, the Respondent filed an F-1 report covering calendar year 2016 activity.
- As of March 17, 2022, the Respondent has not paid the \$1,000 civil penalty for PDC Case 22190, which has been sent to collections.

Prior Violation (PDC Case 80285)

- The Respondent failed to timely file an F-1 report for calendar year 2019, which was due no later than April 15, 2020.
- On November 17, 2020, a Brief Adjudicative Proceeding (Brief Enforcement Hearing) was held, in which the Respondent was found in violation of RCW 42.17A.700 and assessed a \$1,000 penalty for failing to file an F-1 report that was due no later than April 15, 2020. PDC staff served the Initial Order to the Respondent, by mail and email, on January 11, 2021. **(Exhibit 3)**
- As of March 17, 2022, the Respondent has not filed the F-1 report for calendar year 2019 or paid the \$1,000 civil penalty for PDC Case 80285, which has been sent to collections.

Additional Information:

- The Respondent currently has an unpaid balance of \$2,300 outstanding for prior enforcement cases with the PDC, which were sent to collections. No payments have been made by the Respondent.

Staff Recommendations:

- Staff recommends the Commission find that the Respondent violated RCW 42.17A.700 by failing to timely file an F-1 report for calendar year 2020, and:
- Assess the Respondent a civil penalty, per WAC 390-37-182, the full adjudicatory proceeding penalty schedule, made payable within 30 days of the date of the Order. The base penalty range for a 3rd occasion where the F-1 report is not filed is \$2,000-\$3,000; and

- Order the Respondent to file an F-1 report covering calendar year 2020 within 30 days of the date of the Order.