



**State of Washington**

**PUBLIC DISCLOSURE COMMISSION**

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**Memorandum**

To: Public Disclosure Commission

From: Jordan Campbell, Compliance Coordinator

Date: July 20, 2022

Subject: Pedro Olguin Enforcement Hearing Memorandum: PDC Case 109725

**Allegations:**

PDC staff alleges that Pedro Olguin (the Respondent), a former City Council Member for the City of Burien violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) for calendar year 2021, due not later than April 15, 2022.

**Background and Prior Violations:**

- Pedro Olguin was most recently elected City Council Member for the City of Burien in 2017 and left office in 2021.
- Between March and April, PDC staff sent email reminders to all elected and appointed officials regarding their missing F-1 report for calendar year 2021.
- On May 11, 2022 Compliance staff sent out warnings to filers who had not filed F-1 reports for 2021.
- On July 13, 2022 PDC staff mailed and emailed the respondent a Hearing Notice regarding the missing report for calendar year 2021. This hearing notice was sent to the Respondent's email and mailing address of record. **(Exhibit 1)**
- As of the writing of this memo, the Respondent has not filed their F-1 Report covering calendar year 2021.

**First Violation (PDC Case 23039): (Exhibit 2)**

- The Respondent, who was a Candidate for City Council Member for City of Burien failed to file an F-1 report for the previous 12 months prior to becoming a candidate, which was due no later than two weeks after they became a candidate in the 2017 election.

- The Respondent resolved this case through a Statement of Understanding and paying a \$100 penalty

### **Second Violation (PDC Case 58175) Exhibit 3**

- PDC Case 58175 was opened based on a complaint received from the public.
- The Respondent, who was a sitting City Council Member for City of Burien, failed to timely disclose a stipend paid to City Council Members on their F-1.
- In the course of the investigation, PDC staff found the Respondent to be in violation of RCW 42.17A.700.
- The case was resolved through a written Warning Letter, which the Commission may consider in deciding on enforcement action if there are future violations.

### **Third Violation (PDC Case 94173) Exhibit 4**

- The Respondent, who was a sitting City Council Member for City of Burien District in 2020, failed to file the F-1 report for calendar year 2020 which was due no later than April 15, 2021.
- At a February 3, 2022 Brief Adjudicative Proceeding (Brief Enforcement Hearing), the Respondent was found in violation of RCW 42.17A.700 and assessed a \$1000 penalty for failing to file an F-1 report that was due no later than April 15, 2021.
- To date, the Respondent has not paid the outstanding \$1000 civil penalty for case 94173.
- In addition, the missing F-1 report for calendar year 2020 has not been filed.

### **Staff Recommendation:**

Staff recommends the Commission find that Pedro Olguin violated RCW 42.17A.700 by failing to timely file an F-1 report for calendar year 2021, and:

1. Assess Pedro Olguin a civil penalty between \$3,000 and \$10,000 for a Respondent with three prior occasions of a violation of RCW 42.17A.700 who did not file the missing report by the date of the hearing, to be payable within 30 days. WAC 390-37-182, the penalty schedule for full adjudicatory proceedings, does not address a fourth occasion so PDC staff have provided a range that begins with the maximum base penalty for a third occasion up to the maximum penalty permitted pursuant to subsection (5) of the penalty schedule.
  - a. If the Commission opts not to consider the Warning Letter issued in PDC Case 58175 in determining today's penalty amount, the base penalty for a third occasion with the same fact pattern would be \$2,000 - \$3,000.
2. Require Pedro Olguin to file the missing F-1 report for calendar year 2021 within 30 days of the date of the Order.