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

In Re: The Matter of Enforcement Action  
Against:

PAMELA BERGER,  
  
Respondent.

PDC CASE NO. 110448

FINAL ORDER ON  
RECONSIDERATION

This matter was heard remotely by the Washington State Public Disclosure Commission (Commission) on January 26, 2023, by telephonic and online streaming access. Respondent Pamela Berger requested reconsideration of the Presiding Officer’s Order entered on September 29, 2022, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) on September 1, 2022, in this matter. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present both telephonically and online were Fred Jarrett, Chair (presiding), Nancy Isserlis, Commission Vice-Chair, and Commissioners William Downing and Allen Hayward. Also present both telephonically and online were Assistant Attorney General John S. Meader representing the Commission, Senior Assistant Attorney General Chad Standifer and Assistant Attorney General Susie Giles-Klein, representing PDC Staff, and Tabitha Townsend, PDC Compliance Coordinator. Notice was provided to the Respondent and she did

1 not appear on her own behalf. The proceeding was open to the public and recorded.  
2

3 The Commissioners had before them the following materials:

- 4 • Case memorandum dated January 18, 2023, prepared by Tabitha Townsend, PDC  
5 Compliance Officer;
  - 6 • Brief Enforcement Hearing Notice, served July 22, 2022;
  - 7 • Initial Order Imposing Fine, entered September 29, 2022;
  - 8 • Respondent’s written request for reconsideration, received January 11, 2023;
  - 9 • Reconsideration Hearing Notice, served January 13, 2023.
- 10

11 **I. FINDINGS OF FACT**

12 This matter involves Respondent’s request that the Commission reconsider an Initial  
13 Order entered on September 29, 2022, resulting from an Initial Hearing on September 1, 2022,  
14 regarding Pamela Berger, a former School Director for Grapeview School District 054 who  
15 served through December 31, 2021. The Presiding Officer at the Brief Adjudicative Proceeding  
16 found the Respondent in violation of RCW 42.17A.700 for failure to timely file a Personal  
17 Financial Affairs Statement (F-1 Report) with the Public Disclosure Commission no later than  
18 April 15, 2022. At the September 1, 2022, hearing, an Order was entered imposing a \$250  
19 penalty, with \$125 suspended, which the Respondent now requests the Commission reconsider.  
20 The Respondent has no prior violations with the PDC.

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- 22 1. In March and April of 2022, PDC staff sent email reminders to all elected and  
23 appointed officials regarding their missing F-1 reports for calendar year 2021.  
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2. On July 22, 2022, PDC staff mailed and emailed the Respondent a hearing notice for a Brief Adjudicative Proceeding (Brief Enforcement Hearing) to be held on September 1, 2022. The hearing notice was sent to the Respondent's mailing and email addresses of record.
3. At the Brief Enforcement Hearing held on September 1, 2022, the Respondent was found in violation of RCW 42.17A.700 for failure to timely file the missing F-1 Report no later than April 15, 2022, and was assessed a \$250 penalty consistent with WAC 390-37-143, the Brief Enforcement Hearing penalty schedule adopted by the Commission. The Presiding Officer suspended \$125 of the \$250 penalty conditioned upon the Respondent filing the missing F-1 report and paying the non-suspended \$125 penalty within 30 days of the Initial Order being entered.
4. On September 29, 2022, the Respondent was served with the September 1, 2022, Initial Order memorializing the Commission's ruling to the Respondent's mailing and email address of record.
5. Respondent has not filed the missing F-1 report for calendar year 2021.
6. On January 3, 2023, Respondent's representative, her daughter Kristin Johnson, called the PDC to request reconsideration. She requested reconsideration on the grounds her mother suffered a medical emergency and is no longer capable of paying bills or filing the form. Her daughter also said she is now her mother's

1 power of attorney. On January 11, 2023, her daughter emailed an official  
2 request for reconsideration to the PDC.  
3

- 4 7. On January 13, 2023, PDC staff served the Respondent and her representative  
5 by mail and email with a hearing notice for a January 26, 2023, Reconsideration  
6 Hearing before the Public Disclosure Commission, along with instructions on  
7 how to participate in the hearing remotely.  
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10 **II. CONCLUSIONS OF LAW**

- 11 1. The Commission has jurisdiction over this proceeding pursuant to Chapter  
12 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05  
13 RCW, the Administrative Procedure Act; and Title 390 WAC.  
14
- 15 2. Pursuant to RCW 42.17A.700, an elected or appointed official who held office  
16 in 2021, or took office in 2021, was required to file an F-1 Report, disclosing  
17 financial information for the calendar year 2021, no later than April 15, 2022.  
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20 **III. ORDER**

21 This Order on Reconsideration will be the Final Order. After consideration of the  
22 mitigating and aggravating factors, the Findings of Fact, and the Conclusions of Law, the  
23 Initial Hearing Order imposing a \$250 civil penalty, with \$125 suspended, is MODIFIED as  
24 follows:

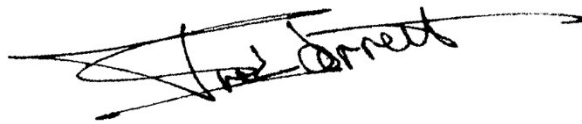
- 25 1. Respondent Pamela Berger is found to have violated RCW 42.17A.700 by failing  
26 to timely file her F-1 report no later than April 15, 2022.

1  
2 Respondent's civil penalty of \$250 is VACATED.  
3

4 SO ORDERED this 14<sup>th</sup> day of February, 2023.

5 WASHINGTON STATE PUBLIC  
6 DISCLOSURE COMMISSION

7 FOR THE COMMISSION:

8 

9  
10 Fred Jarrett, Chair (Presiding),  
11 Public Disclosure Commission

12 *This order sent by email to:*

13 Pamela Berger, Respondent,  
14 c/o Kristin Johnson, Power of Attorney  
15 kristin.b.johnson@usdoj.gov

16 Tabitha Townsend,  
17 PDC Compliance Coordinator,  
18 pdc@pdc.wa.gov

19  
20 I, Tabitha Townsend, certify that I emailed a copy of this order to the  
21 Respondent at his respective email address.

22 Electronically Signed by Tabitha Townsend February 14, 2023  
23 Signed Date

24  
25 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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