



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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September 8, 2022

Nathaniel McMillion
400 E University Way
Ellensburg WA 98926

Also delivered electronically to nathanielmcmillion51@yahoo.com

Subject: F-1 Enforcement Hearing Notice; PDC Case Number 110540

Dear Nathaniel McMillion:

The Public Disclosure Commission (PDC) has not received your Personal Financial Affairs Statement (F-1 report) disclosing financial activities for calendar year 2020. RCW 42.17A.700 requires every elected or appointed official to file an annual F-1 report, which was to have been filed no later than April 15, 2022.

In accordance with RCW 42.17A.110 and RCW 42.17A.755, an Adjudicative Proceeding (Enforcement Hearing) has been scheduled to determine if you violated RCW 42.17A.700 by failing to timely file the required annual F-1 report for calendar year 2021. Under the Brief Enforcement Hearing rules, the Commission has the authority to assess a civil penalty in accordance with WAC 390-37-143, an Enforcement Hearing penalty schedule adopted by the Commission (see enclosed copy).

HEARING INFORMATION

Date and time: **Thursday, September 22, 2022 at 10:30 a.m.**

Place: Remotely from Olympia
Live Audio and Online Transmission

Presiding Officer: Fred Jarrett, Chair, Public Disclosure Commission

Authority: RCW 42.17A and WAC 390

PARTICIPATING VIA MICROSOFT TEAMS

The Enforcement Hearing will be audio and video recorded. The Commissioners and PDC staff will join the meeting in-person or remotely via Microsoft Teams videoconferencing platform.

Anyone wishing to participate in the hearing remotely must follow the instructions below and join the meeting on a computer or mobile app **promptly at 10:15 a.m. on Thursday, September 22, 2022**. Please remain in the meeting until the Presiding Officer calls your name and case number. After your case has been heard, you may leave or stay in the meeting.

Please note that you must stay muted at all times except while your case is being heard.

Join on your computer or mobile app:

<https://tinyurl.com/yvsz6zwv>

If you are unable to use Teams or experience technical difficulties, please call the PDC's main number 1-360-753-1111 to obtain information regarding alternate participation by telephone.

INTERPRETER

If a party or witness to this proceeding speaks limited English or is hearing-impaired, and needs an interpreter, a qualified interpreter will be appointed at no cost to you. Please inform us at least five business days before the hearing or no later than **Thursday, September 15, 2022** if you require an interpreter for this proceeding and/or translation of its written materials in a language other than English. Please contact us by email at pdcc@pdc.wa.gov or call us at (360) 753-1111 or 1-877-601-2828 to request an interpreter.

SUBMITTING WRITTEN MATERIALS

In advance of the Enforcement Hearing, you may provide a written response describing the facts of your case for consideration by the Commission, including any circumstances or mitigating factors you would like considered. Please submit your written response so it is received by no later than **Thursday, September 15, 2022**.

SUBMITTING F-1 REPORTS

You are strongly encouraged to complete and submit your F-1 report prior to the Enforcement Hearing so it is **received by the PDC** no later than **Thursday, September 15, 2022**.

The F-1 report covering 2021 activity that was due by April 15, 2022 must be filed electronically. Online F-1 Instructions are enclosed.

Please note that an F-1 report disclosing 2021 activity is the subject of this enforcement hearing. If you served all or part of 2021 this F-1 report is required.

If you have any questions about the hearing process prior to the hearing date, please contact PDC Staff by email at pdc@pdc.wa.gov – and be sure to reference your case number in the subject line of the email.

Sincerely,

PDC Staff
Compliance and Enforcement Division



Enclosures

- F-1 Report Instructions
- PDC Penalty Schedule

How to file your Personal Financial Affairs Statement with the PDC

<https://www.pdc.wa.gov/engage/news/new-f-1-reporting-experience-now-live>

January 8, 2020

Electronic filing of financial affairs disclosure (F-1) statements has moved to a new user experience designed to simplify filing and to help filers know what to report. See our video for a brief overview of the new system and its features. You can also watch this longer training video for step-by-step instruction.

Appointed and elected officials required to submit Personal Financial Affairs (F-1) disclosures will use the new online system to submit their statements.

Here is how to get access to the new system:

1. Set up a SAW account To get started, you'll need a Secure Access Washington (SAW) account, if you don't already have one. This PDC video offers a guide to establishing a SAW account.

In setting up your SAW account, you might want to use an email that you have established already with the PDC. That will be the easiest way to get linked to your F-1 information.

2. Go to the new system Once you have a SAW account, log into it and go to the new system using this link: Financial Affairs online reporting system. Please note that the system is not compatible with Internet Explorer.

If you don't see your name in the upper right-hand corner of the application, you can request access by clicking on "New filer." Enter the email you last used to file a F-1 with the PDC. You should receive an email with a one-time security code that you will need to use to access your reports.

If the email address you've used previously for PDC filings is one you no longer can access, contact the PDC customer service staff at pdc@pdc.wa.gov to report the new email address that you'll use for PDC reporting. Then, return to the application and request access.

3. Start filing

Once you've established access, you will see the landing page of the new filing application. You can click the button labeled "Prior" to see your past F-1 statements. Or, if you're ready to begin filing, click the "Start" button.

4. Find help

Questions about what to report? The application itself includes pop-up windows (marked with a "?" icon) and a FAQ (see the Help? link in the upper right-hand corner) that leads you to instructions on our website. Our full F-1 reporting manual also is available here. If you don't see the answer to your question, contact us at pdc@pdc.wa.gov

Penalty Schedule [[WAC 390-37-182](#)]:

Penalty factors (full adjudicatory proceedings).

(1) In assessing a penalty after a full adjudicatory proceeding, the commission considers the purposes of chapter [42.17A](#) RCW, including the public's right to know of the financing of political campaigns, lobbying and the financial affairs of elected officials and candidates as declared in the policy of RCW [42.17A.001](#); and, promoting compliance with the law. The commission also considers and applies RCW [42.17A.755](#) and may consider any of the additional factors described in subsection (3) of this section.

(2) Under RCW [42.17A.755](#), the commission:

- (a) May waive a penalty for a first-time violation;
- (b) Must assess a penalty for a second violation by the same person or individual, regardless if the person or individual committed the violation for a different political committee;
- (c) Must assess successively increased penalties for succeeding violations pursuant to the following schedule:

| Violations: | | | |
|--|-------------------------|-------------------------|-------------------------|
| Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 Report) / (2) Candidate Registration / (C-1 Report) / (3) Lobbyist Monthly Expense Report (L-2 Report) / (4) Lobbyist Employer Annual Report (L-3 Report) and (5) Local Treasurer's Annual Report (T-1 Report). | | | |
| | 1st Occasion | 2nd Occasion | 3rd Occasion |
| Filed missing report after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$500 | \$500 - \$1,500 | \$1,500 - \$2,500 |
| Report is filed late and is incomplete or inaccurate. | \$0 - \$1,000 | \$1,000 - \$2,000 | \$2,000 - \$3,000 |
| Respondent failed to file or timely file accurate and complete campaign disclosure reports: | | | |
| Cash Receipts Monetary Contributions Report (C-3 Report) | | | |
| Filed missing C-3 Report or amended C-3 Report after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$1,500 | \$1,500- \$2,500 | \$2,500 - \$10,000 |
| Failed to timely deposit monetary contributions within five business days of receipt. | \$0 - \$1,500 | \$1,500- \$2,500 | \$2,500 - \$10,000 |
| Failed to include employer and occupation information for contributors of more than \$100. | \$0 - \$1,500 | \$1,500- \$2,500 | \$2,500 - \$10,000 |
| Campaign Summary Receipts and Expenditures Report (C-4 Report) | | | |
| Filed missing C-4 Report or amended C-4 Report after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$1,500 | \$1,500- \$2,500 | \$2,500 - \$10,000 |
| Failed to properly report the "purpose" of an expenditure under RCW 42.17A.240 (6) or 42.17A.255 (5)(b). | \$0 - \$1,500 | \$1,500- \$2,500 | \$2,500 - \$10,000 |
| Failed to properly report expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc. | \$0 - \$1,500 | \$1,500- \$2,500 | \$2,500 - \$10,000 |

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|---|------------------|----------------------|-----------------------|
| Failed to report a contractual contingent liability. | \$0 - \$1,500 | \$1,500- \$2,500 | \$2,500 - \$10,000 |
| Failed to properly dispose of surplus funds. | \$0 - \$1,500 | \$1,500- \$2,500 | \$2,500 - \$10,000 |
| Failed to properly make campaign books of account available for public inspection as required immediately preceding the date of an election. | \$0 - \$1,500 | \$1,500- \$2,500 | \$2,500 - \$10,000 |
| Independent Expenditure Report (C-6 Report) | | | |
| Filed missing C-6 Report or amended C-6 Report after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$1,000 | \$1,000 - \$2,000 | \$2,500 - \$10,000 |
| Report is filed late and is incomplete or inaccurate. | \$0 - \$1,500 | \$1,500 - \$2,500 | \$2,500 - \$10,000 |
| Out-of-State Political Committee Report (C-5 Report) | | | |
| Filed missing C-5 Report or amended C-5 Report after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$1,000 | \$1,000 - \$2,000 | \$2,500 - \$10,000 |
| Last Minute Contribution Report (LMC report) | | | |
| Filed missing LMC report or amended LMC report after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$1,000 | \$1,000 - \$2,000 | \$2,500 - \$10,000 |
| Exceeding contribution limits | | | |
| Refunded contributions after being notified of the complaint, over limit contributions were not significant, and respondent provided written explanation with mitigating circumstances. | \$0 - \$1,500 | \$1,500 - \$2,500 | \$2,500 - \$10,000 |
| Other Alleged Violations: | | | |
| Exceeding mini reporting threshold | | | |
| Filed C-3 and C-4 Reports for full reporting after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$1,000 | \$1,000 - \$2,000 | \$2,500 - \$10,000 |
| Failure to file electronically | | | |
| Filed C-3 and C-4 Reports electronically after being notified about the complaint, and provided written explanation with mitigating circumstances. | \$0 - \$1,000 | \$1,000 - \$2,000 | \$2,500 - \$10,000 |
| Use of public facilities for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition | | | |
| Use of public facilities was incidental and isolated, and evidence was not submitted indicating that the use may have affected the outcome of the election. | \$0 - \$1,000 | \$1,000 - \$2,000 | \$2,500 - \$10,000 |
| Failure to File Lobbyist Registration Report (L-1 Report) | | | |
| Filed missing L-1 Report after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$500 | \$500 - \$1,500 | \$1,500 - \$2,500 |

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|---|-------------|-----------------|-------------------|
| Failure to File Agency Lobbying Report (L-5 Report) | | | |
| Filed missing L-5 Report or amended L-5 Report after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$500 | \$500 - \$1,500 | \$1,500 - \$2,500 |
| Grassroots Lobbying Report (L-6 Report) | | | |
| Filed missing L-6 Report or amended L-6 Report after being notified about the complaint and provided written explanation with mitigating circumstances. | \$0 - \$500 | \$500 - \$1,500 | \$1,500 - \$2,500 |
| Sponsor identification requirements for political advertising | | | |
| Political advertising failed to include any sponsor identification or included improper or misleading sponsor identification. | \$0 - \$500 | \$500 - \$1,500 | \$1,500 - \$2,500 |
| Party preference requirement for political advertising | | | |
| Political advertising failed to include a candidate's party preference. | \$0 - \$500 | \$500 - \$1,500 | \$1,500 - \$2,500 |
| Use of current picture requirement in political advertising | | | |
| Political advertising fails to include at least one picture of the candidate used in the advertising that was taken within the last five years, that is no smaller than any other picture of the same candidate used in the same advertisement. | \$0 - \$500 | \$500 - \$1,000 | \$1,000 - \$1,500 |
| Political advertising or electioneering communication—Libel or defamation per se | | | |
| Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office. | \$0 - \$500 | \$500 - \$1,500 | \$1,500 - \$2,500 |
| Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent. | \$0 - \$500 | \$500 - \$1,500 | \$1,500 - \$2,500 |
| Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement. | \$0 - \$600 | \$600 - \$1,200 | \$1,200 - \$2,400 |
| Commercial advertisers—Public inspection of documents | | | |
| Commercial advertisers who after accepting or providing political advertising or electioneering communications during an election campaign fail to maintain records and books of account, or make such information available by the methods provided under WAC 390-18-050 . | \$0 - \$600 | \$600 - \$1,200 | \$1,200 - \$2,400 |
| Candidates and political committees—Public inspection of books of account | | | |
| Candidates or political committees who fail to accommodate requests for public inspections as required by WAC 390-16-043 . | \$0 - \$600 | \$600 - \$1,200 | \$1,200 - \$2,400 |
| Limitations on employers or labor organizations | | | |

| | | | |
|--|-------------|-----------------|-------------------|
| Failed to maintain open for public inspection, during normal business hours, documents and books of accounts showing a copy of each employee's request for funds to be withheld for transfer to a political committee. | \$0 - \$600 | \$600 - \$1,200 | \$1,200 - \$2,400 |
|--|-------------|-----------------|-------------------|

(3) In addition to the requirements of RCW [42.17A.755](#), the commission may consider the nature of the violation and any relevant circumstances, including the following factors:

(a) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(b) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period, or otherwise had a significant or material impact on the public;

(c) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization;

(d) Amount of financial activity by the respondent during the statement period or election cycle;

(e) Whether the noncompliance resulted from a knowing or intentional effort to conceal, deceive or mislead, or violate the law or rule, or from collusive behavior;

(f) Whether the late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(g) Whether the respondent or any person, including an entity or organization, benefited politically or economically from the noncompliance;

(h) Personal emergency or illness of the respondent or member of his or her immediate family;

(i) Other emergencies such as fire, flood, or utility failure preventing filing;

(j) PDC staff or equipment error, including technical problems at the PDC preventing or delaying electronic filing;

(k) The respondent's demonstrated good-faith uncertainty concerning staff guidance or instructions;

(l) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention (e.g., filing missing reports, amending incomplete or inaccurate reports, returning prohibited or overlimit contributions);

(m) Whether the respondent is a first-time filer;

(n) Good faith efforts to comply, including consultation with PDC staff prior to initiation of enforcement action and cooperation with PDC staff during enforcement action, and a demonstrated wish to acknowledge and take responsibility for the violation;

(o) Penalties imposed in factually similar cases; and

(p) Other factors relevant to a particular case.

(4) The commission may consider the factors in subsections (1) through (3) of this section in determining whether to suspend a portion or all of a penalty upon identified conditions, and whether to accept, reject, or modify a stipulated penalty amount recommended by the parties.

(5) Notwithstanding the above schedule, the commission may assess a penalty of up to ten thousand dollars per violation, or a greater amount if agreed to by the parties, pursuant to RCW [42.17A.755](#), based on the aggravating factors set forth in subsections (1) through (3) of this section.

(6) The penalty schedule for brief enforcement proceedings is provided under WAC [390-37-143](#).

[Statutory Authority: RCW [42.17A.110](#)(1), 2019 c 428, and 2019 c 261. WSR 20-02-062, § 390-37-182, filed 12/24/19, effective 1/24/20. Statutory Authority: RCW [42.17A.110](#)(1) and 2018 c 304. WSR 18-24-074, § 390-37-182, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW [42.17A.110](#)(1). WSR 16-01-015, § 390-37-182, filed 12/4/15, effective 1/4/16. Statutory Authority: RCW [42.17A.110](#), [42.17A.755](#). WSR 13-05-014, § 390-37-182, filed 2/7/13, effective 3/10/13.]