



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action
Against

Avrum (Alex) Tsimerman

Respondent.

PDC Case 120879

Notice of Administrative Charges

I. JURISDICTION

The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the state campaign finance and disclosure laws; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate all related exhibits by reference.

II. ALLEGATION(S)

PDC staff alleges Avrum (Alex) Tsimerman violated RCW 42.17A.205 and RCW 42.17A.700(2) by failing to file the required Candidate Registration (C-1 report) and Personal Financial Affairs Statement (F-1 report) within two weeks of declaring his candidacy for public office in the 2023 election year, as required by the law.

III. FACTS

1. On January 3, 2023, Avrum (Alex) Tsimerman attended the City of Kirkland Council meeting and announced his candidacy for public office.

2. On January 10, 2023, Avrum (Alex) Tsimerman attended the port of Seattle Commission meeting and announced his candidacy during the public comment portion of the meeting.
3. On January 12, 2023, Avrum (Alex) Tsimerman attended a public meeting at Sound Transit Board meeting, where he announced his candidacy for public office in the 2023 election year.
4. On January 23, 2023, PDC staff received a complaint filed against Respondent Avrum (Alex) Tsimerman, alleging that the Respondent failed to timely file the required statutory C-1 and F-1 reports.
5. On February 1, 2023, PDC staff sent a copy of the complaint to the Respondent and requested a response to the allegation(s) outlined in the complaint by February 15, 2023. No response to the complaint has been received to date from Respondent.
6. On March 9, 2023, PDC staff held an Initial Hearing (Case Status Review), after opening a formal investigation for PDC Case 120879 concerning Respondent Avrum (Alex) Tsimerman. Although Mr. Tsimerman was not required to appear at the Initial Hearing, he was notified of the Initial Hearing and did not appear.
7. Avrum (Alex) Tsimerman's C-1 and F-1 reports were due to be filed with the PDC within two weeks of declaring his candidacy for political office in the 2023 election year. To date, Mr. Tsimerman has not filed the C-1 and F-1 reports as required by statute.

V. LAW

RCW 42.17A.205(1) Campaign Registration: "Every candidate shall file a statement of organization with the commission. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign. Any material changes in information previously submitted in a statement of organization shall be reported to the commission within ten days following the change."

RCW 42.17A.700(2) Statement of Financial Affairs: "Within two weeks of becoming a candidate, every candidate shall file with the commission a statement of financial affairs for the preceding twelve months."

RCW 42.17A.005(8) states that a “Candidate” means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when the individual first:

- (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the individual’s candidacy for office;
- (b) Announces publicly or files for office;
- (c) Purchases commercial advertising space or broadcast time to promote the individual’s candidacy; or
- (d) Gives consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

RESPECTFULLY SUBMITTED this 14th day of April 2023.

/s/ Peter Frey Lavallee

Peter Frey Lavallee
Executive Director



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH
RCW 42.17A

Avrum (Alex) Tsimerman

Respondent.

PDC Case 120879

Report of Investigation

I. BACKGROUND

- 1.1 Between January 3 and January 12, 2023, Respondent Avrum (Alex) Tsimerman appeared publicly at three different venues holding public meetings and declared his candidacy for public office. Specifically, the Respondent appeared and declared his candidacy for public office at public meetings held before the Kirkland City Council, Port of Seattle Commission, and Sound Transit Board meeting held on January 3, 2023, January 10, 2023, and January 12, 2023, respectively.
- 1.2 Since on or about January 2023, the Respondent has maintained a campaign website, which clearly identifies him as a “2023 – Candidate for King County, Bellevue” on the landing page of the website.
- 1.3 On January 23, 2023, PDC staff received a complaint filed against the Respondent alleging that he failed to file the required statutory Candidate Registration (C-1 report) and the Personal Financial Affairs Statement (F-1 report) within two weeks of declaring his candidacy for public office in the 2023 election year, as required by the law.
- 1.4 On March 9, 2023, PDC staff held an Initial Hearing (Case Status Review), after opening a formal investigation for PDC Case 120879 concerning Respondent Avrum (Alex) Tsimerman.
- 1.5 On April 10, 2023, PDC staff served the Respondent, Avrum (Alex) Tsimerman, by electronic mail/email, with an Enforcement Hearing Notice for an enforcement action against him to be held on Thursday, April 27, 2023, concerning the alleged violations of RCW 42.17A.205 and .700.

II. ALLEGATION(S)

- 2.1 PDC staff alleges Avrum (Alex) Tsimerman, violated RCW 42.17A.205 and RCW 42.17A.700(2) by failing to file the required Candidate Registration (C-1 report) and the Personal Financial Affairs Statement (F-1 report) within two weeks of declaring his candidacy for public office in the 2023 election year, as required by the law.

III. FINDINGS

- 3.1 On January 3, 2023, Avrum (Alex) Tsimerman attended the Kirkland City Council meeting and announced his candidacy for public office during the public comment portion of the meeting, stating: “My name Alex Tsimerman and I right now candidate for King County Bellevue Council 2023.” **(Exhibit 1)**.
- 3.2 On January 10, 2023, Avrum (Alex) Tsimerman attended and announced his candidacy at the Port of Seattle Commission meeting during the public comment portion of the meeting, stating: “My name Alex Tsimerman I’m president of Standup America and I am a candidate right now for King County District No. 6 2023.” **(Exhibit 2)**.
- 3.3 On January 12, 2023, Avrum (Alex) Tsimerman attended a public meeting at the Sound Transit Board monthly meeting, where he announced his candidacy for public office in the 2023 election year, stating: “Hi my name Alex Tsimerman and I very appreciate you council Balducci mention my name because I’m right now candidate for King County Council 23.” **(Exhibit 3)**.
- 3.4 At all times mentioned herein, Respondent Tsimerman maintained a campaign website that clearly depicted his candidacy for 2023 as noted on the landing page of the campaign website – “2023 Candidate for King County, Bellevue.” **(Exhibit 4)**.
- 3.5 On January 23, 2023, PDC staff received a complaint from Joe Kunzler alleging that the Respondent had violated RCW 42.17A.205 and .700. **(Exhibit 5)**
- 3.6 On February 1, 2023, PDC staff sent a copy of the complaint to the Respondent and requested a response to the allegation(s) outlined in the complaint by February 15, 2023. No response has been received to date.
- 3.7 Prior Group Enforcement (GE) cases were initiated against the Respondent regarding (1) the failure to file an F-1 report as a 2021 candidate for public office – PDC Case 95308, and (2) the failure to file C-1 and F-1 reports as a 2022 candidate for public office – PDC Case 109529. The Brief Adjudicative Proceeding (BAP) Notice in these cases were sent to the Respondent on Thursday, July 22, 2021 **(Exhibit 6)**, and Wednesday, June 22, 2022 **(Exhibit 6)**, respectively.
- 3.8 Both PDC Case 95308 and PDC Case 109529 were adjudicated via GE brief adjudicative proceedings, and Orders were issued for both cases for violations found by the Commission. The Respondent was assessed a civil penalty in the amount of \$250 with \$100 suspended with conditions for the 2021 violation – Commission Order dated September 13, 2021

(Exhibit 8). The Respondent was also assessed a civil penalty of \$1,000 – Commission Order dated August 11, 2022, for the 2022 violation **(Exhibit 9).**

IV. SCOPE

4.1 PDC staff reviewed the following:

- The complaint filed by Joe Kunzler on January 23, 2023, and the supporting documentation provided with the complaint.
- PDC database for prior enforcement actions against the Respondent in this matter.

V. LAW

RCW 42.17A.205 states that “Every candidate shall file a statement of organization with the commission. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign. Any material change in information previously submitted in a statement of organization shall be reported to the commission within ten days following the change.”

RCW 42.17A.700(2) states that “Within two weeks of becoming a candidate, every candidate shall file with the commission a statement of financial affairs for the preceding twelve months.”

RCW 42.17A.005(8) states that a “Candidate” means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when the individual first:

- (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the individual’s candidacy for office;
- (b) Announces publicly or files for office;
- (c) Purchases commercial advertising space or broadcast time to promote the individual’s candidacy; or
- (d) Gives consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

Respectfully submitted this 14th day of April 2023.

/s/ Erick O. Agina

Erick O. Agina
Compliance Officer

EXHIBIT LIST

- Exhibit 1** [City Council Meeting \(granicus.com\)](#) at the 1:13:04 mark.
- Exhibit 2** [Regular Meeting Jan 10, 2023 12:00pm - The Port of Seattle Commission \(portseattle.org\)](#) at the 00:49:54 mark.
- Exhibit 3** [Sound Transit Board Meeting on Livestream](#) at the 15:25 mark.
- Exhibit 4** Screenshot of Avrum (Alex) Tsimerman's Campaign Website.
- Exhibit 5** Complaint, PDC Case 120879, filed on January 23, 2023.
- Exhibit 6** PDC Case No. 95308: August 12, 2021, Group Enforcement Hearing Notice.
- Exhibit 7** PDC Case No.109529: July 21, 2022, Group Enforcement Hearing Notice.
- Exhibit 8** Commission Order dated September 13, 2021, for PDC Case 95305 against Respondent Tsimerman.
- Exhibit 9** Commission Order dated August 11, 2022, for PDC Case 109529 against Respondent Tsimerman.

January 3, 2023 Kirkland City Council Meeting

Exhibit 1 [City Council Meeting \(granicus.com\)](#) at the 1:13:04 mark.

Exhibit 1

[Regular Meeting Jan 10, 2023 12:00pm - The Port of Seattle Commission](#)
([portseattle.org](#)) at the 00:49:54 mark.

Exhibit 2

[Sound Transit Board Meeting on Livestream](#) at the 15:25 mark.

Exhibit 3



Respondent Names
Avrum (Alex) Tsimerman
Complainant Name
Joe Kunzler
Complaint Description
<p>Joe Kunzler Mon, 23 Jan 2023 at 10:21 PM</p> <p>23 January 2023</p> <p>Dear Washington State PDC;</p> <p>I rise again to protest Avrum (Alex) Tsimerman’s misconduct. This time, I am filing a complaint under RCW 42.17A.005 (8)(b) as well as RCW 42.17A.205 and RCW 42.17A.700. The latter two are a repeat of the same violations described in Case #109529 with the same respondent.</p> <p>See Alex has not filed his legally required candidacy forms, yet he’s running around announcing he’s a candidate for King County Council District 6. Below are links to Alex Tsimerman’s latest public comment campaign speeches:</p> <p>1) https://meetings.portseattle.org/watch/meeting/2023_01_10_RM at 00:49:54 where Alex Tsimerman announced his candidacy at the Port of Seattle on January 10, 2023. Tsimerman was allowed to continue his remarks after the announcement.</p> <p>2) http://king.granicus.com/player/clip/9731?view_id=4&redirect=true&h=e346cbc49170c0d0f6c390276bc3bc63 at 29:01 at King County Council on January 10, 2023 where Alex Tsimerman was allowed to make a, in my opinion, a campaign speech.</p> <p>3) https://livestream.com/accounts/11627253/stboardmeetings/videos/234566088 at 15:30 at Sound Transit on January 12, 2023 where Alex Tsimerman was shut down and had to be escorted off by law enforcement.</p> <p>Furthermore, Tsimerman on his campaign website http://alexforamerica.com/ now claims he is a, “2023 – Candidate for King County, Bellevue”.</p> <p>So I have searched your website, no 2023 filings. Clear legal violations.</p> <p>Furthermore, I find it mysterious that although zero acres of Legislative District 46 nor the City Limits of Seattle fall into King County Council District 6, Alex is running around claiming to be a candidate for King County Council District 6. I understand he has a PO BOX there but has not changed his voter registration to there.</p>

Alex Tsimerman has as you can see by the above links has recently used his illegal candidacy to harass a good friend of mine. Furthermore, Tsimerman has repeatedly been told not to use the public comment dais for campaigning, yet he does complete with a side of hate speech. Finally, Tsimerman is a repeat direct violator of PDC orders and state law. Please consider all of this when you set your fines and consider referring this to Attorney General Bob Ferguson's office as you did PDC cases against Tim Eyman.

Furthermore, this is the state of Heather "Newsbrooke" Brooke, Ph.D. who wrote, "Transparency strengthens democracy only when it gives citizens information they can use. It is not just about politicians telling us what they want us to know. For it to mean anything, it must empower citizens and provide answers to the questions they ask, not merely spoon feed them meagre information rations."

Clearly, Alex Tsimerman doesn't understand this, that's why he won't share his financial data. For all we know, somebody is funding this hatemonger bully to continue attacks on our commons. At some point, we must realize...

Never again is today.

Not tomorrow and not just in a history book.

Never again is now. Especially with Tsimerman's hate speech.

That's why we're here. You got your work cut out for you.

Like a Stefani, the rest I submit;

Joe A. Kunzler

What impact does the alleged violation(s) have on the public?

Alex's failure to file proper financial forms after declaring his candidacy for King County Council denies folks an ability to see about his finances and if he changed residency to King County Council District 6.

List of attached evidence or contact information where evidence may be found

1) https://meetings.portseattle.org/watch/meeting/2023_01_10_RM at 00:49:54 where Alex Tsimerman announced his candidacy at the Port of Seattle on January 10, 2023. Tsimerman was allowed to continue his remarks after the announcement.

2) http://king.granicus.com/player/clip/9731?view_id=4&redirect=true&h=e346cbc49170c0d0f6c390276bc3bc63 at 29:01 at King County Council on January 10, 2023 where Alex Tsimerman was allowed to make a, in my opinion, a campaign speech.

3) <https://livestream.com/accounts/11627253/stboardmeetings/videos/234566088> at 15:30 at Sound Transit on January 12, 2023 where Alex Tsimerman was shut down and had to be escorted off by law enforcement.

4) <http://alexforamerica.com/>

List of potential witnesses with contact information to reach them

For 1: Port of Seattle staff

For 2 & 3: King County Councilmember Claudia Badassuchi:

Certification (Complainant)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.



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July 14, 2021

TSIMERMAN AVRUM (ALEX)
PO BOX 4222
SEATTLE WA 98104

Also delivered electronically to standup@alexforamerica.com

Subject: F-1 Brief Enforcement Hearing Notice; PDC Case Number 95308

Dear TSIMERMAN AVRUM (ALEX):

Public Disclosure Commission (PDC) records indicate that you are a candidate for public office in 2021, but we have not received your Personal Financial Affairs Statement (F-1 report) disclosing personal financial information for the preceding twelve months.

RCW 42.17A.700 requires every candidate to file an F-1 report within two weeks of declaring their candidacy or no later than June 4, 2021.

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

HEARING INFORMATION

Date and time: **August 12, 2021 at 1:30 p.m.**
Place: Remotely from Olympia
Live Audio and Online Transmission
Presiding Officer: Fred Jarrett, Chair, Public Disclosure Commission

HOW TO AVOID THE HEARING

In order to avoid the Brief Enforcement Hearing, please ensure that the following items are ***received*** by the PDC no later than **12:00 p.m. Thursday, August 5, 2021**:

1. A completed F-1 Report (instructions enclosed).
2. A signed *Statement of Understanding* (blank copy enclosed); and
3. A check or money order for \$100 for the late filed F-1 report, made payable to “Washington State Treasurer”

Mail the signed *Statement of Understanding* and payment to the following address:

**Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908**

(Any *Statement of Understanding* or payment received after the August 5, 2021 deadline will be returned.)

Instructions for filing the required report(s) online can also be found on the PDC’s website:
F-1 report <https://www.pdc.wa.gov/engage/news/new-f-1-reporting-experience-now-live>

PARTICIPATING BY TELEPHONE

The Brief Enforcement Hearing will be audio and video recorded. The Presiding Officer and staff will join the meeting remotely.

Anyone wishing to participate in the hearing by telephone must follow the instructions below and call into the meeting **promptly at 1:15 p.m. on Thursday, August 12, 2021**. Please stay on the call until the Presiding Officer calls your name and case number. After your case has been heard, you may hang up or stay on the call. *Please note that you must keep your phone on mute at all times except while your case is being heard.* Use *6 to mute your phone and *6 again to unmute when it is your turn to speak.

Join on your telephone by dialing:
[+1 206-809-2388](tel:+12068092388) United States, Seattle

Follow the verbal prompts and enter the Phone Conference ID: 771 891 662#

Use *6 on your telephone keypad to mute your call and use *6 again to unmute your phone when it is your turn to speak.

If you experience technical difficulties with the call-in participation after the meeting has started at 1:30 p.m., call the PDC’s main number 1-360-753-1111 and staff will try to assist you.

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 **August 5, 2021** 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@pdcc.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 Brief Enforcement Hearing, you may provide a written response describing the facts of your case for consideration by the Presiding Officer, including any circumstances or mitigating factors you would like considered. Please submit your written response so it is **received by no later than 12:00 p.m. Thursday, August 5, 2021.**

If you have any questions about the hearing process prior to the hearing date, please contact PDC Staff by email at pdcc@pdcc.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
- Statement of Understanding
- Brief Enforcement Hearings FAQ
- 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.

Public Disclosure Commission Statement of Understanding
TSIMERMAN AVRUM (ALEX): PDC Case 95308

I hereby acknowledge that I, _____, did not timely file
(Printed Name of Respondent)
the required Personal Financial Affairs Statement (F-1 Report) with the Public Disclosure Commission (PDC) as required for a candidate seeking elected office in 2021. The F-1 Report was due to be filed within two weeks of my becoming a candidate in the 2021 election or no later than June 4, 2021, thereby violating RCW 42.17A.205.

I want to avoid the time and expense resulting from a Brief Adjudicative Hearing (Brief Enforcement Hearing) before the Presiding Officer. Therefore, I am filing the F-1 Report, completing the *Statement of Understanding*, and enclosing a check or money order in the amount of \$100 for the late-filed report, in lieu of an August 12, 2021 Brief Enforcement hearing being held.

I understand that this will resolve all issues with the PDC regarding my failure to timely file the F-1 Report, provided that a check or money order for \$100, my completed online F-1 Report, and this signed *Statement of Understanding* are all received by Thursday, August 5, 2021.

I further understand that Commission staff will not be scheduling a Brief Enforcement hearing before the Presiding Officer regarding my obligation to timely file the F-1 report that was due within two weeks of becoming a candidate.

Signature of Respondent/Candidate

Date Signed

Be sure to certify and submit your F-1 report on-line, make your check or money order payable to "Washington State Treasurer," and mail this Statement of Understanding, and your \$100 payment to the following address:

Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

Exhibit 6
pg. 7 of 14

BRIEF ENFORCEMENT HEARINGS – INFORMATION FOR FILERS

You have received a letter or email from the PDC scheduling a Brief Enforcement Hearing before a PDC Commissioner. Here are the answers to some Frequently Asked Questions about these brief hearings. This FAQ is informational only and should not be considered legal advice.

What is a Brief Enforcement Hearing?

The PDC is responsible for enforcing the State's campaign finance laws. We may schedule what is called a Brief Enforcement Hearing (also known as a "Brief Adjudicative Proceeding" under the Administrative Procedure Act) to address compliance with campaign finance reporting requirements when evidence shows the following types of alleged violations may have occurred:

- Failure to file or timely file required reports of financial affairs, campaign contributions and/or expenditures, independent expenditures, or funds spent on lobbying;
- Improper use of public facilities or resources in election campaigns when the value of public funds expended or facilities used was minimal; and
- Infractions of political advertising laws regarding sponsor identification or political party identification.

Brief Enforcement Hearings may be scheduled on other matters as well, if the basic facts are agreed to or are not being contested, and it is anticipated that the likely penalty imposed (if a violation is found) will be \$1,000 or less. The Commission has adopted a penalty schedule for Brief Enforcement Hearings which can be found in the Washington Administrative Code [WAC 390-37-143](#).

A Presiding Officer, who is a PDC Commissioner, will conduct the hearing. PDC staff will present the case to the Presiding Officer, and you will have an opportunity to explain the circumstances related to the alleged violations. You may do this in person, by telephone, or in writing by email or letter.

Who are the parties involved?

The PDC Staff initiates and investigates possible violations, and brings cases forward to the Commission or its Presiding Officer. The person who is alleged to be out of compliance with the law is referred to as the "Respondent."

What can I do to avoid the hearing?

If you received a hearing notice, you still have the opportunity to come into compliance by filing the missing report(s), paying the stated penalty, and completing a Statement of Understanding stipulating to the violation(s). If you would like to take this approach, please contact PDC Compliance and Enforcement Staff at pdcc@pdc.wa.gov.

What do I do to prepare for the hearing?

The brief hearings are informal in nature. You are not required to have an attorney for this hearing. Hearings take place in the PDC meeting room where Commission meetings are held. You need to let the Staff know at least five business days before the hearing whether you will be participating in-person or by phone, or prefer not to participate.

In-person participation. If you are attending in-person, bring all of the written information that you want the Presiding Officer to consider in making a decision. You will need to bring three copies of any document — one for you, one for PDC Staff, and one for the Presiding Officer. Alternatively, you may submit one copy to PDC Staff and they'll provide a copy to the Presiding Officer, as long as it is received five business days before the day of the hearing.

If you are having other people (witnesses) testify on your behalf, they must be available at the hearing, and Staff needs to be informed of the number of witnesses and time needed for their testimony when you notify the Staff of your participation. The

scheduled hearing starting time is the start time for several matters that will be heard by the Presiding Officer, and your case may not be the first one heard. So you will need to remain available to participate until your case is called.

Participation by telephone. If you wish to participate by phone, please let PDC Staff know five business days before the hearing the number where you can be reached and the timeframe you are available. You must be available at the designated time and telephone number. As mentioned above, the hearing time is an estimate, and you must be available until your case is called.

Participation in-writing. If you are participating only by submitting written materials, make sure any written materials you want the Presiding Officer to consider are delivered to the PDC office no later than five business days before the hearing.

Waiving your right to participate. If you have submitted nothing in writing prior to the hearing, have made no other arrangements, and you do not appear in person, by phone, or through your legal counsel at the hearing, it will be presumed that you have decided to waive your right to participate at the hearing.

What happens at the hearing?

The Presiding Officer will introduce the participants and explain the procedure for the hearing. The hearing will be audio-taped.

The Presiding Officer will swear-in PDC Staff for them to present information regarding the alleged violation of law. You will then have an opportunity to testify, which is your opportunity to present information. All testimony by Staff, Respondents, and witnesses is given under oath, but you are seated at a regular meeting table with a microphone, not in a courtroom. The Presiding Officer may ask you some questions about the information you, PDC Staff, or witnesses have presented. If you have decided to participate in writing instead of in person or by phone, your written information will be considered by the Presiding Officer as part of the hearing materials.

If at any time the Presiding Officer believes the alleged violations are serious enough to merit penalties greater than \$1,000, the Presiding Officer will adjourn the hearing and direct that the matter be scheduled for a hearing before the full Commission at a later time.

How is the decision made?

After considering all the information presented at the hearing, the Presiding Officer will make a decision about the allegation(s) and any appropriate penalty amount. The decision is typically announced orally at the hearing.

The Presiding Officer will use the penalty schedule referred to above that has been adopted by the Commission in rule to determine the appropriate penalty for certain types of violations, taking into account aggravating and mitigating factors. The penalty schedule is below.

What happens after my hearing?

A written decision, called an Initial Order, laying out the Presiding Officer's ruling, including the findings and the penalty, will be sent to you. The PDC tries to get orders issued within 10 days if possible, and not later than 30 days. If a monetary penalty is imposed in the Initial Order, the penalty must be paid to the **Washington State Treasurer**, and mailed to the address listed in the Order cover letter within the time frame stated in the Order.

Along with your Initial Order, you will also receive information about your appeal rights, including how to request review or reconsideration by the full Commission if you disagree with the Initial Order. Follow these procedures carefully if you wish to appeal. If there is no appeal before the PDC, the Initial Order becomes a Final Order, and further appeals must be made in Superior Court.

What are the rules that apply to the procedures of my hearing?

The PDC's laws and rules are available on the PDC's website at www.pdc.wa.gov. The laws are in the Revised Code of Washington ([RCW](#)) [Chapter 42.17A](#). The rules are in the Washington Administrative Code ([WAC](#)) [Title 390](#). Brief Adjudicative Proceedings are described at [WAC 390-37-140](#) through [390-37-150](#) and in the Administrative Procedure Act (APA) at [RCW 34.05.482-494](#).

Penalty Schedule [\[WAC 390-37-143\]](#):

The Presiding Officer may assess a penalty up to one thousand dollars upon finding a violation of chapter [42.17A](#) RCW or Title 390 WAC.

(1) Base penalty amounts:

Violation	1st Occasion	2nd Occasion	3rd Occasion
Failure to timely file an accurate and complete statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Candidate's failure to timely file an accurate and complete registration statement (C-1)/statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150 per report	\$150 - \$300 per report	\$300 - \$600 per report up to \$1,000
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150 per report	\$300 per report	\$600 per report up to \$1,000
Failed to file report by date of enforcement hearing.	\$250 per report	\$500 per report	consideration by full commission
Failure to timely file an accurate and complete lobbyist monthly expense report (L-2):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Failure to timely file an accurate and complete lobbyist employer report (L-3):			

Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Failure to timely file accurate and complete disclosure reports:			
Political committee registration (C-1pc).	\$150	\$300	\$600
Statement of contributions deposit (C-3).	\$150	\$300	\$600
Summary of total contributions and expenditures (C-4).	\$150	\$300	\$600
Independent expenditures and electioneering communications (C-6).	\$150	\$300	\$600
Last minute contribution report (LMC).	\$150	\$300	\$600
Out-of-state committee report (C-5).	\$150	\$300	\$600
Annual report of major contributors (C-7).	\$150	\$300	\$600
Failure to timely file accurate and complete reports disclosing lobbying activities:			
Lobbyist registration (L-1).	\$150	\$300	\$600
Public agency lobbying report (L-5).	\$150	\$300	\$600
Grass roots lobbying report (L-6).	\$150	\$300	\$600
Failure to file electronically.	\$350	\$650	\$1,000
Exceeding contribution limits.	\$150	\$300	\$600
Exceeding mini reporting threshold.	\$150	\$300	\$600
Failure to comply with political advertising sponsor identification requirements.	\$150	\$300	\$600
Failure to include required candidate's party preference in political advertising.	\$150	\$300	\$600
Failure to comply with other political advertising requirements, RCW 42.17A.330 through 42.17A.345 .	\$150	\$300	\$600
Use of public facilities to assist a campaign for election or promote a ballot measure.	\$150	\$300	\$600
Treasurer's failure to timely file an accurate and complete annual treasurer's report (T-1):			

Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000

"Occasion" means established violation. Only violations in the last five years will be considered for the purpose of determining second and third occasions.

(2) In determining the appropriate penalty, the presiding officer may consider the nature of the violation and aggravating and mitigating factors, including:

- (a) Whether the respondent is a first-time filer;
- (b) The respondent's compliance history for the last five years, 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;
- (c) The respondent's unpaid penalties from a previous enforcement action;
- (d) 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;
- (e) The amount of financial activity by the respondent during the statement period or election cycle;
- (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) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention;
- (h) 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;
- (i) Personal emergency or illness of the respondent or member of his or her immediate family;
- (j) Other emergencies such as fire, flood, or utility failure preventing filing;
- (k) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization; and
- (l) PDC staff, third-party vendor, or equipment error, including technical problems at the agency preventing or delaying electronic filing.

(3) The presiding officer has authority to suspend all or a portion of an assessed penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of the entry of the order in that case.

(4) If, on the third occasion, a respondent has outstanding penalties or judgments, the matter will be directed to the full commission for consideration.

(5) The presiding officer may direct a matter to the full commission if the officer believes one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission. Cases will automatically be scheduled before the full commission for an enforcement action when the respondent:

- (a) Was found in violation during a previous reporting period;

(b) The violation remains in effect following any appeals; and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW [42.17A.110](#)(1) and 2018 c 304. WSR 18-24-074, § 390-37-143, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW [42.17A.110](#)(1) and [42.17A.570](#). WSR 18-10-088, § 390-37-143, filed 5/1/18, effective 6/1/18. Statutory Authority: RCW [42.17A.110](#). WSR 17-03-004, § 390-37-143, filed 1/4/17, effective 2/4/17.]



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

June 22, 2022

TSIMERMAN AVRUM (ALEX)
PO Box 4222
Seattle, WA 98104

Also delivered electronically to standup@AlexforAmerica.com

Subject: C-1 and F-1 Brief Enforcement Hearing Notice; PDC Case Number 109529

Dear TSIMERMAN AVRUM (ALEX):

Public Disclosure Commission (PDC) records indicate that you are a candidate for public office in 2022, and we have not received a *Candidate Registration* (C-1 report) disclosing your campaign information for the 2022 election cycle or your *Personal Financial Affairs Statement* (F-1 report) disclosing personal financial information for the twelve months preceding your candidacy.

RCW 42.17A.205 and RCW 42.17A.700 require candidates to file a C-1 report and an F-1 report within two weeks of declaring their candidacy, which were to have been filed no later than June 3, 2022.

In accordance with RCW 42.17A.110 and RCW 42.17A.755, a Brief Adjudicative Proceeding (Brief Enforcement Hearing) has been scheduled to determine if you violated RCW 42.17A.205 and RCW 42.17A.700 by failing to file the required C-1 report and F-1 reports for the 2022 election cycle. Under the Brief Enforcement Hearing rules, the Presiding Officer has the authority to assess a civil penalty in accordance with WAC 390-37-143, a penalty schedule adopted by the Commission (see enclosed copy).

HEARING INFORMATION

Date and time: **Thursday, July 21, 2022 at 2:00 p.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

HOW TO AVOID THE HEARING

To avoid the Brief Enforcement Hearing, please take all the following steps:

1. File your C-1 report electronically by no later than **Monday, July 11, 2022**;

AND

2. File your F-1 report electronically by no later than **Monday, July 11, 2022**;

Online instructions for filing the reports are enclosed.

AND

3. Mail the following items to the PDC so they are postmarked on or before **July 11, 2022**:
 - A signed *Statement of Understanding* (blank form enclosed); and
 - A check or money order in the amount of \$200 (\$100 for each late-filed report), made payable to "Washington State Treasurer"

Please mail the signed *Statement of Understanding* and \$200 payment to the following address:

**Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908**

(Any *Statement of Understanding* with a postmark later than July 11, 2022 will not be accepted and your case will proceed to hearing.)

PARTICIPATING IN THE HEARING VIA MICROSOFT TEAMS

The Brief Enforcement Hearing will be audio and video recorded. The Presiding Officer and PDC Staff will attend in-person or remotely via Microsoft Teams videoconferencing platform.

- **PLEASE READ the entire instructions below *prior to the day of the hearing if you plan to participate via MS Teams.***

Please note that you may be prompted to download the MS Teams app or use a supported browser (Microsoft Edge or Google Chrome) for best performance.

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 1:45 p.m. on July 21, 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/wyc2rcwm>

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. you.

If you choose to participate in the hearing remotely, please be aware that you may be waiting in the queue for a unknown period of time while cases are being heard and you may have a limited amount of time to speak. If a lengthier response time is needed, please consider submitting written participation materials prior to the hearing (see below).

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 **July 14, 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@pdcc.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 Brief Enforcement Hearing, you may provide a written response describing the facts of your case for consideration by the Presiding Officer, including any circumstances or mitigating factors you would like considered. Please submit your written response so it is received by the PDC no later than **July 14, 2022**.

SUBMITTING THE REPORTS

You are strongly encouraged to complete and submit the required reports online prior to the Brief Enforcement Hearing so they are received by the PDC no later than **July 14, 2022**. The reports must be submitted electronically and online instructions are enclosed.

If you have any questions about the hearing process prior to the hearing date, please contact PDC Staff by email at pdcc@pdcc.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

- C-1 Report Instructions
- F-1 Report Instructions
- Statement of Understanding
- Brief Enforcement Hearings FAQ
- PDC Penalty Schedule

Exhibit 7
pg. 3 of 12

How to Register Your Candidacy with the PDC

Candidates for most state and local offices in Washington are required to register with the Public Disclosure Commission. Registration is done electronically* through the PDC's website.

To begin, you must have a Secure Access Washington (SAW) account. SAW allows you to securely file data with many Washington state agencies. If you already have a SAW account, use that one for your PDC filing — you don't have to make a new account for us.

If you don't have a SAW account, it's a quick and easy process to get one. You can create a SAW account [on this web page](#). We have a video that shows you how [here](#).

Once you've created a SAW account, visit <https://apollo.pdc.wa.gov> and click on the "Manage Campaigns" button to access the campaign registration system.

The PDC's campaign registration system will lead you through the steps required to register your candidacy. The first step is to choose "Register a new candidate or committee" on the first screen of the registration system. From there, the system will ask a series of questions designed to collect the required information about your candidacy. [This video](#) shows you how it works.

The registration system helps filers get it right by calling their attention to missing information and not allowing registrations to be submitted until that information is provided. Filling in a required field with n/a, "none" or some other filler language will likely result in the PDC returning your registration to you.

Filers often ask whether they must report the name of a bank if they don't expect to raise money and don't have a campaign account. The answer is yes. [State law](#) requires candidates to report the name and address of their depositories. If you do not have a bank account for your campaign, report the name of the bank where you would likely open an account if your campaign later decides to have one. If at some point you do open a bank account, and it's at a different institution than what you originally reported, you can amend your registration to reflect that change.

Once you submit your candidacy information to the PDC, we will verify that you have supplied the required information and process your registration. You will receive an email once that process is complete.

*State law requires use of electronic filing when a system is available. Filers can request a hardship exemption to electronic filing based on lack of technological ability. Hardship exemption requests can be emailed to pdc@pdc.wa.gov

Source URL: <https://www.pdc.wa.gov/registration-reporting/candidates-committees/registration-reporting-basics>

Who Must File – Candidates who seek:

- state office (legislative or statewide executive);
- a state supreme court or state court of appeals position;
- local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county; or
- local office in jurisdictions of any size if the candidate receives or expects to receive \$5,000 or more in contributions

When to File – Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she **first** does any of the following:

- receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;
- purchases commercial advertising space or broadcast time to promote his or her candidacy;
- authorizes another person to take one of these above actions on his or her behalf;
- announces publicly that he or she is seeking office; or
- files a declaration of candidacy with the appropriate elections official

Where to File – Online at <https://apollo.pdc.wa.gov/campaigns/committees> Reports are considered filed as of the date they are electronically filed with the PDC. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy for the campaign's records.

When to Amend – Within 10 days of a material change to information provided on previously filed C-1.

“Officer” of a Candidate’s Committee – Officer of a candidate’s committee includes the following persons:

- any person designated as an officer on the C-1 registration statement; and
- any person who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee
[[WAC 390-05-245](#)]

Overview of registration requirements & reporting options for candidates and their committees:
<https://www.pdc.wa.gov/registration-reporting/candidates-committees/registration-reporting-basics>

How to file your Personal Financial Affairs Statement with the PDC

<https://www.pdc.wa.gov/registration-reporting/personal-financial-affairs-disclosure/how-use-f-1-filing-system-step-step>

Electronic filing of financial affairs disclosure (F-1) statements is designed to simplify filing and to help filers know what to report.

See our video at www.youtube.com/watch?v=avzfNldYuv8 for a brief overview of the system and its features. You can also watch our training videos for step-by-step instruction:

For new filers www.youtube.com/watch?v=IBdcj0XxEFm

For returning filers www.youtube.com/watch?v=KG8dJgOJzIw

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

Here is how to get access to the 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. <https://secureaccess.wa.gov/myAccess/saw/select.do> This PDC video offers a guide to establishing a SAW account:

Establishing a SAW account www.youtube.com/watch?v=LdaoxXeEfnQ

In setting up a new 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 F-1 filing system by either using the "Add a Service" tool in the SAW system or by going using this link:

Financial Affairs online reporting system <https://apollo.pdc.wa.gov/>

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. If you have previously filed a F-1 report in this system, you should be able to import your information.

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 at www.pdc.wa.gov/registration-reporting/personal-financial-affairs-disclosure/completing-f-1

If you don't see the answer to your question, contact us at pdc@pdc.wa.gov

*State law requires use of electronic filing when a system is available. Filers can request a hardship exemption to electronic filing based on lack of technological ability. Hardship exemption requests can be emailed to pdc@pdc.wa.gov

**Public Disclosure Commission Statement of Understanding
TSIMERMAN AVRUM (ALEX): PDC Case 109529**

I hereby acknowledge that I, _____, did not
(Printed Name of Respondent)
timely file the required *Candidate Registration* (C-1 report) and *Personal Financial Affairs Statement* (F-1 report) with the Public Disclosure Commission (PDC) as required for a candidate seeking elected office in 2022. The C-1 and F-1 reports were due to be filed within two weeks of my becoming a candidate in the 2022 election or no later than June 3, 2022, thereby violating RCW 42.17A.205 and RCW 42.17A.700.

I want to avoid the time and expense resulting from a Brief Adjudicative Hearing (Brief Enforcement Hearing) before the Presiding Officer. Therefore, I am filing both the C-1 and F-1 reports, completing the *Statement of Understanding*, and enclosing a check or money order in the amount of \$200 (\$100 for each late-filed report), in lieu of a July 21, 2022 Brief Enforcement Hearing being held.

I understand that this will resolve all issues with the PDC regarding my failure to timely file the C-1 and F-1 reports, provided that my missing reports are completed online, and a check or money order for \$200 and this signed *Statement of Understanding* are mailed to the PDC and postmarked on or before **July 11, 2022**.

I further understand that Commission staff will not be scheduling a Brief Enforcement Hearing before the Presiding Officer regarding my obligation to timely file the C-1 and F-1 reports that were due within two weeks of becoming a candidate.

Signature of Respondent/Candidate

Date Signed

Be sure to certify and submit your C-1 and F-1 reports online, make your check or money order payable to “Washington State Treasurer” and **mail** this *Statement of Understanding* and your \$200 payment to the following address:

**Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908**

**Exhibit 7
pg. 8 of 12**

BRIEF ENFORCEMENT HEARINGS – INFORMATION FOR FILERS

You have received a letter or email from the PDC scheduling a Brief Enforcement Hearing before a PDC Commissioner. Here are the answers to some Frequently Asked Questions about these brief hearings. This FAQ is informational only and should not be considered legal advice.

What is a Brief Enforcement Hearing?

The PDC is responsible for enforcing the State's campaign finance laws. We may schedule what is called a Brief Enforcement Hearing (also known as a "Brief Adjudicative Proceeding" under the Administrative Procedure Act) to address compliance with campaign finance reporting requirements when evidence shows the following types of alleged violations may have occurred:

- Failure to file or timely file required reports of financial affairs, campaign contributions and/or expenditures, independent expenditures, or funds spent on lobbying;
- Improper use of public facilities or resources in election campaigns when the value of public funds expended or facilities used was minimal; and
- Infractions of political advertising laws regarding sponsor identification or political party identification.

Brief Enforcement Hearings may be scheduled on other matters as well, if the basic facts are agreed to or are not being contested, and it is anticipated that the likely penalty imposed (if a violation is found) will be \$1,000 or less. The Commission has adopted a penalty schedule for Brief Enforcement Hearings which can be found in the Washington Administrative Code [WAC 390-37-143](#).

A Presiding Officer, who is a PDC Commissioner, will conduct the hearing. PDC Staff will present the case to the Presiding Officer, and you will have an opportunity to explain the circumstances related to the alleged violations. You may do this in person, by telephone, or in writing by email or letter.

Who are the parties involved?

The PDC Staff initiates and investigates possible violations, and brings cases forward to the Commission or its Presiding Officer. The person who is alleged to be out of compliance with the law is referred to as the "Respondent."

What can I do to avoid the hearing?

If you received a hearing notice, you still have the opportunity to come into compliance by filing the missing report(s), paying the stated penalty, and completing a Statement of Understanding stipulating to the violation(s). If you would like to take this approach, please contact PDC Compliance and Enforcement staff at pdcc@pdc.wa.gov

What do I do to prepare for the hearing?

The brief hearings are informal in nature. You are not required to have an attorney for this hearing. Hearings take place in the PDC meeting room where Commission meetings are held. You need to let the staff know at least five business days before the hearing whether you will be participating in-person or by phone, or prefer not to participate.

If you are having other people (witnesses) testify on your behalf, they must be available at the hearing, and staff needs to be informed of the number of witnesses and time needed for their testimony when you notify the staff of your participation. The scheduled hearing starting time is the start time for several matters that will be heard by the Presiding Officer, and your case may not be the first one heard. So you will need to remain available to participate until your case is called.

Waiving your right to participate. If you have submitted nothing in writing prior to the hearing, have made no other arrangements, and you do not appear in person, by phone, or through your legal counsel at the hearing, it will be presumed that you have decided to waive your right to participate at the hearing.

What happens at the hearing?

The Presiding Officer will introduce the participants and explain the procedure for the hearing. The hearing will be audio-taped.

The Presiding Officer will swear-in PDC Staff for them to present information regarding the alleged violation of law. You will then have an opportunity to testify, which is your opportunity to present information. All testimony by staff, Respondents, and witnesses is given under oath, but you are seated at a regular meeting table with a microphone, not in a courtroom. The Presiding Officer may ask you some questions about the information you, PDC Staff, or witnesses have presented. If you have decided to participate in writing instead of in person or by phone, your written information will be considered by the Presiding Officer as part of the hearing materials.

If at any time the Presiding Officer believes the alleged violations are serious enough to merit penalties greater than \$1,000, the Presiding Officer will adjourn the hearing and direct that the matter be scheduled for a hearing before the full Commission at a later time.

How is the decision made?

After considering all the information presented at the hearing, the Presiding Officer will make a decision about the allegation(s) and any appropriate penalty amount. The decision is typically announced orally at the hearing.

The Presiding Officer will use the penalty schedule referred to above that has been adopted by the Commission in rule to determine the appropriate penalty for certain types of violations, taking into account aggravating and mitigating factors. The penalty schedule is below.

What happens after my hearing?

A written decision, called an Initial Order, laying out the Presiding Officer's ruling, including the findings and the penalty, will be sent to you. The PDC tries to get orders issued within 10 days if possible, and not later than 30 days. If a monetary penalty is imposed in the Initial Order, the penalty must be paid to the **Washington State Treasurer**, and mailed to the address listed in the Order cover letter within the time frame stated in the Order.

Along with your Initial Order, you will also receive information about your appeal rights, including how to request review or reconsideration by the full Commission if you disagree with the Initial Order. Follow these procedures carefully if you wish to appeal. If there is no appeal before the PDC, the Initial Order becomes a Final Order, and further appeals must be made in Superior Court.

What are the rules that apply to the procedures of my hearing?

The PDC's laws and rules are available on the PDC's website at www.pdc.wa.gov. The laws are in the Revised Code of Washington ([RCW Chapter 42.17A](#)). The rules are in the Washington Administrative Code ([WAC Title 390](#)). Brief Adjudicative Proceedings are described at [WAC 390-37-140](#) through [390-37-150](#) and in the Administrative Procedure Act (APA) at [RCW 34.05.482-494](#).

Penalty Schedule [WAC 390-37-143]:

The Presiding Officer may assess a penalty up to one thousand dollars upon finding a violation of chapter [42.17A](#) RCW or Title 390 WAC.

(1) Base penalty amounts:

Violation	1st Occasion	2nd Occasion	3rd Occasion
Failure to timely file an accurate and complete statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Candidate's failure to timely file an accurate and complete registration statement (C-1)/statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150 per report	\$150 - \$300 per report	\$300 - \$600 per report up to \$1,000
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150 per report	\$300 per report	\$600 per report up to \$1,000
Failed to file report by date of enforcement hearing.	\$250 per report	\$500 per report	consideration by full commission

[Excerpt above]

"Occasion" means established violation. Only violations in the last five years will be considered for the purpose of determining second and third occasions.

(2) In determining the appropriate penalty, the presiding officer may consider the nature of the violation and aggravating and mitigating factors, including:

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

(b) The respondent's compliance history for the last five years, 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;

(c) The respondent's unpaid penalties from a previous enforcement action;

(d) 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;

- (e) The amount of financial activity by the respondent during the statement period or election cycle;
 - (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) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention;
 - (h) 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;
 - (i) Personal emergency or illness of the respondent or member of his or her immediate family;
 - (j) Other emergencies such as fire, flood, or utility failure preventing filing;
 - (k) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization; and
 - (l) PDC staff, third-party vendor, or equipment error, including technical problems at the agency preventing or delaying electronic filing.
- (3) The presiding officer has authority to suspend all or a portion of an assessed penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of the entry of the order in that case.
- (4) If, on the third occasion, a respondent has outstanding penalties or judgments, the matter will be directed to the full commission for consideration.
- (5) The presiding officer may direct a matter to the full commission if the officer believes one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission. Cases will automatically be scheduled before the full commission for an enforcement action when the respondent:
- (a) Was found in violation during a previous reporting period;
 - (b) The violation remains in effect following any appeals; and
 - (c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW [42.17A.110](#)(1) and 2018 c 304. WSR 18-24-074, § 390-37-143, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW [42.17A.110](#)(1) and [42.17A.570](#). WSR 18-10-088, § 390-37-143, filed 5/1/18, effective 6/1/18. Statutory Authority: RCW [42.17A.110](#). WSR 17-03-004, § 390-37-143, filed 1/4/17, effective 2/4/17.]



State of Washington
PUBLIC DISCLOSURE COMMISSION
711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

September 13, 2021

TSIMERMAN AVRUM (ALEX)
PO BOX 4222
SEATTLE WA 98104

And delivered electronically to standup@alexforamerica.com

Subject: PDC Order, Case 95308

Dear TSIMERMAN AVRUM (ALEX),

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

At the August 12, 2021, Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of \$250, of which \$100 is suspended, in accordance with WAC 390-37-143. The \$150 non-suspended penalty is payable within 30 days of the date of this Order.

The \$150 non-suspended penalty is payable no later than October 13, 2021.

Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:

Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

It is also ordered that you file the missing F-1 report within 30 days of this order, or no later than October 13, 2021.

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdcc@pdcc.wa.gov.

Sincerely,

Electronically Signed by Tabitha Townsend
PDC Staff

Enclosure: Initial Order

Exhibit 8
pg. 1 of 5



State of Washington
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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A

PDC Case 95308

TSIMERMAN AVRUM (ALEX),
Respondent.

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to TSIMERMAN AVRUM (ALEX) dated July 14, 2021, a brief adjudicative proceeding was held on August 12, 2021, remotely from Olympia, WA by live audio and online transmission, to consider whether the Respondent violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report), which was due to be filed within two weeks of candidacy or no later than June 4, 2021, disclosing personal financial information for the preceding twelve months.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Chapter 390-37 WAC. Commissioners Fred Jarrett and Nancy Isserlis were the Presiding Officers. The Commission staff was represented by Compliance Coordinators Tabitha Townsend and Tabatha Blacksmith, and Jennifer Hansen, Political Finance Officer. The Respondent did not participate in the hearing or submit any written materials.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is/was a candidate for CITY COUNCIL MEMBER of CITY OF SEATTLE.
2. As a candidate, the Respondent was required to file an F-1 report by June 4, 2021.
3. The Respondent did not file the F-1 report by the date of the enforcement hearing.
4. The Respondent has no prior violations.

Exhibit 8
pg. 2 of 5

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened, and all jurisdictional, substantive, and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.700 by failing to file the F-1 report by June 4, 2021.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

1. **IT IS HEREBY ORDERED that the Respondent is assessed a total civil penalty of \$250 with \$100 suspended, in accordance with the candidate F-1 penalty schedule set forth in WAC 390-37-143.**
2. **It is further ordered that the Respondent:**
 - a. **Pay the \$150 civil penalty within 30 days of the date of this Order. If the Respondent fails to pay the \$150 within 30 days, PDC staff is directed to refer the matter to collections.**
 - b. **File the missing F-1 report within 30 days of the date of this Order.**
3. **It is further ordered that \$100 of the \$250 penalty is suspended on the following conditions:**
 - a. **The Respondent is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.**
 - b. **The non-suspended portion of the penalty (\$150) is paid by the Respondent within 30 days of the date of this Order. If the Respondent fails to pay the non-suspended penalty of \$150 within 30 days, the suspended portion of the penalty (\$100) shall immediately become due without further action by the Commission and PDC staff is directed to refer the matter to collections for the full assessed penalty amount of \$250.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 13th of September 2021.

Public Disclosure Commission

Electronically signed by Peter Frey Lavallee

Peter Frey Lavallee

Executive Director

I, Tabitha Townsend, certify that I mailed a copy of this order to the Respondent at their respective address postage pre-paid, on the date stated herein, and by email.

Electronically Signed Tabitha Townsend

Signed

September 13, 2021

Date

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request by email, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1).
- All requests for review must be submitted electronically to pdcc@pdcc.wa.gov

REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE THIS INITIAL ORDER WAS ELECTRONICALLY DISTRIBUTED TO YOU.

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the FINAL ORDER. *See* WAC 390-37-142(7).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542.



State of Washington
PUBLIC DISCLOSURE COMMISSION

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August 11, 2022

Avrum (Alex) Tsimerman
PO BOX 4222
SEATTLE, WA 98104

And delivered electronically to standup@alexforamerica.com

Subject: PDC Order, Case 109529

Dear Avrum (Alex) Tsimerman,

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

At the July 21, 2022 Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of \$1000 of which \$500 is suspended, in accordance with WAC 390-37-143. The \$500 non-suspended penalty is payable within 30 days of the date of this Order, which is September 12, 2022.

Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:

Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

It is also ordered that you file the missing C-1 and F-1 and resolve any prior violations including filing all reports and pay any outstanding penalty within 30 days of this order, which is September 12, 2022.

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdc@pdc.wa.gov.

Sincerely,

Electronically Signed by Jordan Campbell
PDC Staff

Exhibit 9
pg. 1 of 5

Enclosure: Initial Order



State of Washington
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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A

PDC Case 109529

Avrum (Alex) Tsimerman,
Respondent.

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to Avrum (Alex) Tsimerman dated June 22, 2022, a brief adjudicative proceeding was held on July 21, 2022, remotely from Olympia, WA by live audio and online transmission, to consider whether the Respondent violated RCW 42.17A.205 by failing to file or timely file a Candidate Registration (C-1 report) and RCW 42.17A.700 by failing to file or timely file a Personal Financial Affairs Statement (F-1 report), disclosing personal financial information for the preceding twelve months, which were both due to be filed within two weeks of candidacy or no later than June 3, 2022.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Chapter 390-37 WAC. Commission Chair Fred Jarrett was the Presiding Officer and Commissioner Nancy Isserlis attended. Commission staff was represented by Compliance Coordinators Tabatha Blacksmith and Jordan Campbell, and Compliance Officers Jennifer Hansen and Alice Fiman. The Respondent did not participate in the hearing or submit any written material.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is or was a candidate for State Senator, Leg District 46.
2. As a candidate, the Respondent was required to file C-1 and F-1 reports by June 3, 2022.
3. The Respondent did not file the C-1 report by the date of the enforcement hearing.
4. The Respondent did not file the F-1 report by the date of the enforcement hearing.
5. The Respondent has one prior violation.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened, and all jurisdictional, substantive, and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.205 by failing to file the C-1 report by June 3, 2022.
3. The Respondent violated RCW 42.17A.700 by failing to file the F-1 report by June 3, 2022.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

1. **IT IS HEREBY ORDERED that the Respondent is assessed a total civil penalty of \$1000, in accordance with the candidate C-1 & F-1 penalty schedule set forth in WAC 390-37-143, of which \$500 is suspended based on the conditions described below.**
2. **It is further ordered that the Respondent:**
 - a. **File the missing C-1 report within 30 days of the date of this Order.**
 - b. **File the missing F-1 report within 30 days of the date of this Order.**
 - c. **Pay the \$500 non-suspended portion of the civil penalty within 30 days of the date of this Order. If the Respondent fails to pay the \$500 within 30 days, PDC staff is directed to refer the matter to collections.**
3. **It is further ordered that \$500 of the \$1000 civil penalty is suspended upon the following conditions:**
 - a. **The Respondent is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.**
 - b. **The missing report(s) and all outstanding reports for PDC Case 95308 are filed within 30 days of the date of this Order. If the Respondent fails to file the report(s) within 30 days, the suspended portion of the penalty shall immediately become due without further action by the Commission and PDC is directed to refer the matter to collections.**
 - c. **The non-suspended portion of the penalty (\$500) and the outstanding penalty amount from PDC Case 95308 is paid by the Respondent within 30 days of the date of this Order. If the Respondent fails to pay the non-suspended penalty of \$500 and/or the outstanding penalty for PDC Case 95308 within 30 days, the full penalty amount (\$1000) shall immediately become due without further action by the Commission and PDC staff is directed to refer the matter to collections.**

Entered this 11th day of August, 2022.

Public Disclosure Commission

Electronically signed by Peter Frey Lavallee

Peter Frey Lavallee

Executive Director

I, Jordan Campbell, certify that I mailed and emailed a copy of this order to the Respondent at their respective address postage pre-paid, and by email on the date stated herein.

Electronically Signed by Jordan Campbell

August 11, 2022

Signed

Date

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

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REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE THIS INITIAL ORDER WAS ELECTRONICALLY DISTRIBUTED TO YOU.

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the FINAL ORDER. *See* WAC 390-37-142(7).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542.