



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

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

June 22, 2023

John H. Miller
5187 RANCHOS RD
BELLINGHAM, WA 98226

Also delivered electronically to Johnhmillier49@msn.com

Subject: C-1 and F-1 Brief Enforcement Hearing Notice; PDC Case Number 138761

Dear John H. Miller:

Public Disclosure Commission (PDC) records indicate that you are or were a candidate for public office in 2023, and we have not received a *Candidate Registration* (C-1 report) disclosing your campaign information for the 2023 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 2, 2023.

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 2023 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:	July 20, 2023 at 1:00 PM
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 **July 10, 2023**;

AND

2. File your F-1 report electronically by no later than **July 10, 2023**;

AND

3. Mail the following items to the PDC so they are postmarked on or before **July 10, 2023**:
 - 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 10, 2023 will not be accepted and your case will proceed to hearing. The *Statement of Understanding* is not valid without the filed report and payment.)

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 12:45 PM on July 20, 2023**. 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/yc2p6hsu>

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.

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 13, 2023** 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 pdc@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 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 13, 2023**.

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 13, 2023**. The reports must be submitted electronically. Instructions for filing the C-1 can be found <https://www.pdc.wa.gov/registration-reporting/candidates-committees/registration-reporting-basics>, and instructions for filing the F-1 can be found <https://www.pdc.wa.gov/registration-reporting/personal-financial-affairs-disclosure/completing-f-1>.

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. Information can also be found on the PDC site <https://www.pdc.wa.gov/rules-enforcement/enforcement/brief-enforcement-hearing-faq>.

Sincerely,

PDC Staff
Compliance and Enforcement Division



Enclosures

- Statement of Understanding
- PDC Penalty Schedule

Public Disclosure Commission Statement of Understanding
John H. Miller: PDC Case 138761

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 2023. The C-1 and F-1 reports were due to be filed within two weeks of my becoming a candidate in the 2023 election or no later than June 2, 2023, 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 20, 2023 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 10, 2023**.

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

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.]