



PUBLIC DISCLOSURE COMMISSION

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May 24, 2024

Dean A Berkeley
4123 FISHERMANS BEND LN
Blaine WA98230

And delivered electronically to DABERKELEY@AOL.COM

Subject: PDC Order, Case 150285

Dear Dean A Berkeley,

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

At the May 1, 2024, Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of \$150, of which \$75 is suspended, in accordance with WAC 390-37-143. The \$75 non-suspended penalty is payable within 30 days of the date of this Order, which is **June 24, 2024**.

Online Payment Option:

To make an online payment email payments@pdc.wa.gov.

A payment link will be sent to you, in which you will need to provide the following information: (1) Case Number; and (2) Respondent Name.

Processing fees may apply.

To mail a check or money order, make it payable to the "Washington State Treasurer" and be sure to include the PDC Case Number 150285 in the memorandum field.

For Regular Mail:

Delivery:

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

For Overnight Mail or In-Person

Public Disclosure Commission
711 Capitol Way S, STE 206
Olympia, WA 98501-1267

It is also ordered that you file the missing report(s) within 30 days of this order, which is **June 24, 2024**.

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

Sincerely,

Electronically Signed by Colin Peebles

PDC Staff

Enclosure: Initial Order

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A

PDC Case 150285

Dean A Berkeley,

Respondent.

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

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to Dean A Berkeley on March 21, 2024, a brief adjudicative proceeding was held on May 1, 2024, remotely from Olympia, WA by live audio and online transmission, to consider whether the Respondent violated RCW 42.17A.235 and RCW 42.17A.240 by failing to file or timely file the 21-day, 7-day, and post-election C-4 Receipts & Expenditure Summary reports that were due no later than October 17, October 31, and December 11, 2023.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Chapter 390-37 WAC. Commission Chair Nancy Isserlis was the Presiding Officer and Commissioner Allen Hayward attended. Commission staff was represented by Compliance Coordinators Colin Peeples and Jordan Campbell. 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 School Director of Blaine SD 503.
2. As a candidate, the Respondent was required to file mandatory C-4 reports by October 17, October 31, and December 11, 2023.
3. The Respondent did not file the C-4 reports by the date of the enforcement hearing.
4. The Respondent has no prior violations of RCW 42.17A.235 and RCW 42.17A.240 however they do have prior violations of RCW 42.17A that have outstanding penalties.

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.235 and RCW 42.17A.240 by failing to file; the 21-day, 7-day, and post-election C-4 Receipts & Expenditure Summary reports that were due no later than October 17, October 31, and December 11, 2023.

ORDER

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

1. **IT IS HEREBY ORDERED** that the Respondent shall file the missing C-4 reports within 30 days of the date of this Order and is assessed a total civil penalty of \$150, in accordance with the candidate C-4 penalty schedule set forth in WAC 390-37-143.
2. It is further ordered that \$75 of the \$150 penalty is suspended on the following conditions:
 - a. The Respondent does not commit 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 Respondent pays the \$75 non-suspended civil penalty within 30 days of the date of this Order.
 - c. The Respondent files the missing C-4 reports within 30 days of the date of this Order.
3. It is further ordered that, if the Respondent fails to comply with any of the above conditions:
 - a. The full \$150 penalty shall immediately become due without further action by the Commission and PDC Staff is directed to refer the matter to collections and/or commence other legal proceedings as authorized by RCW 42.17A and 390 WAC.
 - b. The missing C-4 reports shall be due immediately.

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

Entered this 24th of May, 2024.

Public Disclosure Commission

Electronically signed by Peter Frey Lavallee
Peter Frey Lavallee
Executive Director

I, Colin Peebles certify that I emailed and mailed a copy of this order to the Respondent at their respective addresses of record on the date stated herein.

Electronically Signed Colin Peebles
Signed

May 24, 2024
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 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.