



**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: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdca.wa.gov](http://www.pdca.wa.gov)**

Borcherding, Austin  
PO BOX 40600  
OLYMPIA, WA 98504

August 22, 2024

Also delivered electronically to [austinborcherding@gmail.com](mailto:austinborcherding@gmail.com)

Subject: F-1 Brief Enforcement Hearing Notice; PDC Case Number 156863

Dear Borcherding, Austin:

The Public Disclosure Commission (PDC) has not received your *Personal Financial Affairs Statement* (F-1 report) disclosing financial activities for calendar year 2023. RCW 42.17A.700 requires every elected or appointed official to file an F-1 report, which was to have been filed no later than April 15, 2024.

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 or timely file the required F-1 report disclosing financial information for calendar year 2023. 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:	<b>August 29, 2024, at 1:00PM</b>
Place:	Remotely from Olympia Live Audio and Online Transmission
Presiding Officer:	Allen Hayward, 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 of the following steps:

1. File your F-1 report electronically by no later than **August 19, 2024**;

*Online instructions for filing the report are enclosed.*

**AND**

2. **Mail or Email** the following items to the PDC so they are postmarked on or before **August 19, 2024**:
  - A signed *Statement of Understanding* (blank form enclosed);
3. Make a payment of \$100 either electronically through the PDC's new online payment system or by mail. Please see page 7 for payment instructions.

(Any *Statement of Understanding* with a postmark later than August 19, 2024, 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 12:45PM on August 29, 2024.** 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/4w2cxhp3>**

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 an 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 **August 23, 2024**, 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](mailto: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 **August 23, 2024**.

### **SUBMITTING THE REPORT**

You are strongly encouraged to complete and submit the required report online prior to the Brief Enforcement Hearing so it is received by the PDC no later than **August 28, 2024**. The report 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 [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) – and be sure to reference your case number in the subject line of the email.

Sincerely,

PDC Staff  
Compliance and Enforcement Division



Enclosures

- Statement of Understanding
- PDC Penalty Schedule



**Public Disclosure Commission Statement of Understanding**  
**Borcherding, Austin: PDC Case 156863**

I hereby acknowledge that I, \_\_\_\_\_, did not  
(Printed Name of Respondent)

timely file the required *Personal Financial Affairs Statement* (F-1 report) with the Public Disclosure Commission (PDC) that was due to be filed by April 15, 2024, disclosing personal financial information for calendar year 2023, thereby violating 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 the F-1 report, completing the Statement of Understanding, and transmitting an electronic payment or a check or money order in the amount of \$100 for the late-filed report, in lieu of an August 29, 2024, 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 my missing report is completed online, and an electronic payment, check, or money order for \$100 and this signed *Statement of Understanding* are mailed to the PDC and postmarked on or before August 19, 2024.

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 by April 15, 2024.

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Date Signed

Be sure to certify and submit your F-1 report online, make your \$100 payment via electronic payment, or by mailing a check or money order and **email or mail** this *Statement of Understanding*. Instructions for how to make a payment can be found on the reverse side of this page.

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

### **Electronic Payment Option**

Please be aware, processing fees may apply. To start the process for making an online payment, do the following:

Email an electronic copy of the signed SOU to the PDC assigned to your case.

- A photo or scan of the signed SOU is acceptable. Do make sure that all parts of the SOU are within focus and readable.
- To email the signed SOU to the PDC, reply directly to the last email you had with the Compliance Officer and attach the document.
- The PDC must receive the signed SOU no later than **August 19, 2024**.
  - A signed SOU is required for the terms of the agreement to be fulfilled.
  - If you send the SOU and payment electronically, you DO NOT need to mail a hard copy of the SOU to your Compliance Officer

Once the SOU is received, please send a request to make a payment to [payments@pdc.wa.gov](mailto:payments@pdc.wa.gov). Once received, PDC staff will email a payment link and further instructions about how to make a payment.

- You must send the payment, via the link, no later than **August 19, 2024**.

OR

### **Mail or In-Person Payment Option**

- To pay by check or money order, make the draft payable to “Washington State Treasurer,” write your PDC Case Number in the Memo field, and mail or deliver the payment to one of the addresses shown below:

Regular mail:

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

Overnight mail or in-person delivery:

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

**Please Note: All mailed payments or SOUs must bear a postmark date of August 20, 2024, in order to be considered valid.**



**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:

<b>Violation</b>	<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>
<b>Failure to timely file an accurate and complete statement of financial affairs (F-1):</b>			
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

[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.]