



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

Borcherding, Austin
3407 56TH ST NW
GIG HARBOR WA 98335

SEPTEMBER 20, 2024

And delivered electronically to austinborcherding@gmail.com

Subject: PDC Order, Case 156863

Dear Borcherding, Austin,

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

At the August 29, 2024 Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of \$150, of which \$0 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, which is OCTOBER 21, 2024.

Online Payment Option:

To make an online payment email payments@pdcc.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. **Please note, 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 156863 in the memorandum field.

For Regular Mail:

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

For Overnight Mail or In-Person Delivery:

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

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 Jordan Campbell
PDC Staff

Enclosure: Initial Order



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A

PDC Case 156863

Borcherding, Austin

Respondent.

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

Pursuant to the notice of brief enforcement hearing (brief adjudicative proceeding) sent to Borcherding, Austin, dated July 22, 2024, a brief adjudicative proceeding was held on August 29, 2024, remotely from Olympia, WA by live audio and online transmission. The purpose of the hearing was to consider whether the Respondent violated RCW 42.17A.700 by failing to file or timely file a Personal Financial Affairs Statement (F-1 report) for calendar year 2023, which was due to be filed no later than April 15, 2024.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Chapter 390-37 WAC. Commission Chair Allen Hayward was the Presiding Officer and Commissioner J. Leach 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 an elected or appointed PROFESSIONAL STAFF for HOUSE OF REPRESENTATIVES.
2. As an elected or appointed official, RCW 42.17A.700 required the Respondent to file an F-1 report by April 15, 2024.
3. The Respondent filed the F-1 report after the hearing notice, but before the enforcement hearing.
4. The Respondent has no prior violations.

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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 timely file the F-1 report by April 15, 2024.

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 \$150, in accordance with the annual F-1 penalty schedule set forth in WAC 390-37-143.
2. **It is further ordered that \$0 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 \$150 non-suspended civil penalty 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.**

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

Entered this 20th of September, 2024.

Public Disclosure Commission

Electronically signed by Peter Frey Lavallee

Peter Frey Lavallee
Executive Director

I, Jordan Campbell, 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 Jordan Campbell
Signed

SEPTEMBER 20, 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 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.