



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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Emily Wittman
1207 FILBERT RD
Lynnwood WA 98036

November 12, 2024

Also delivered electronically to Emily Wittman at emilyw@afa-wa.com emily.el@comcast.net
emilyewittman@gmail.com EmilyW@awb.org

Subject: Lobbyist Brief Enforcement Hearing Notice; PDC Case Number **162098**

Dear Emily Wittman:

The Public Disclosure Commission (PDC) has not received one or more monthly Lobbying Expense reports (L-2 reports), due by the 15th day of each calendar month, disclosing activity in the previous calendar month.

According to PDC records, you are missing L-2 reports for the following period(s) in calendar year 2023:

November

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 **Emily Wittman** violated RCW 42.17A.615 by failing to file one or more monthly Lobbying Expense reports (L-2 reports), due by the 15th day of each calendar month, disclosing activity in the previous calendar month. Under the Brief Enforcement Hearing rules, the Presiding Officer has the authority to assess civil penalties in accordance with WAC 390-37-143, a penalty schedule adopted by the Commission (see enclosed Brief Enforcement Hearings FAQ).

HEARING INFORMATION

Date and time:	December 19, 2024 at 2:00 pm
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 the following steps:

1. File your L-2 report(s) electronically by no later than **December 10, 2024**;

AND

2. Mail or Email the following items to the PDC so they are postmarked on or before **December 10, 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 payment instructions page attached.

(Any *Statement of Understanding* received via email or mailed with a postmark later than **December 10, 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 video conferencing 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 1:45PM on December 19, 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/yc49u4br>

If you are unable to use Teams or experience technical difficulties, please call the PDC's main number 1-360-753-1111 option 1 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 **December 13, 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 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 **December 10, 2024**.

SUBMITTING THE REPORT(S)

You are strongly encouraged to complete and submit the required report(s) online prior to the Brief Enforcement Hearing so it is received by the PDC no later than **December 10, 2024**. The report(s) must be submitted electronically and online instructions for filing the L-2 can be found [here](#).

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.

Sincerely,

PDC Staff
Compliance and Enforcement Division



Enclosures (2):

- Statement of Understanding
- Brief Enforcement Hearings – Information for Filers (FAQs & Penalty Schedule)

Public Disclosure Commission Statement of Understanding
Emily Wittman: PDC Case 162098

I hereby acknowledge that I, _____,
(Printed Name of Respondent)

did not timely file the required Monthly Lobbying Expense report(s) (L-2 reports) with the Public Disclosure Commission (PDC) that were due to be filed by the 15th day of each calendar month, disclosing activity in the previous calendar month, thereby violating RCW 42.17A.615.

In calendar year 2023, these reports include:

November

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 L-2 reports, completing the Statement of Understanding, and enclosing a check or money order in the amount of \$100 for the missing report(s), in lieu of the December 19, 2024 Brief Enforcement hearing being held.

I understand that this will resolve all issues with the PDC regarding my failure to timely file the L-2 report(s), provided that my missing report(s) are completed online, and a check or money order for \$100 and this signed Statement of Understanding are mailed to the PDC and postmarked on or before **December 10, 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 L-2 reports that were due for calendar year 2023.

Signature of Respondent

Date Signed

Be sure to file your L-2 report(s) online, **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

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 **December 10, 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. 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 **December 10, 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:
delivery:

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

Overnight mail or in-person

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 December 10, 2024, in order to be considered valid.

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 pdc@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](#).

[WAC 390-37-143](#) Brief enforcement hearings (brief adjudicative proceeding)—Penalty schedule.

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

(1) 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.]

