

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In Re: The Matter of Enforcement Action
Against:

BHASKAR DEODHAR,

Respondent.

PDC CASE NO. 39009

ORDER ON RESPONDENT'S
REQUEST FOR
RECONSIDERATION

This matter was heard by the Washington State Public Disclosure Commission (Commission) on July 25, 2019, at the Public Disclosure Commission office, 711 Capitol Way, Room 206, Olympia, Washington. Respondent Bhaskar Deodhar requested reconsideration of the Commission's Order issued on October 5, 2018, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) in this matter. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present were Anne Levinson, Commission Chair (presiding); David Ammons, Commission Vice-Chair; and Commissioners Russell Lehman, and Fred Jarrett. Also present were Assistant Attorney General John S. Meader representing the Commission, Assistant Attorney General Chad Standifer representing PDC Staff, and Fox Blackhorn-Delph, PDC Compliance Coordinator. Respondent Bhaskar Deodhar waived his personal appearance and

1 submitted a written statement with evidence. The proceeding was open to the public and
2 recorded.

3 The Commissioners had before them the following materials:

- 4 1. Case memorandum dated July 15, 2019, prepared by Fox Blackhorn-Delph, PDC
5 Compliance Coordinator;
- 6 2. Printout of electronic correspondence reflecting communications between Respondent
7 Bhaskar Deodhar and PDC Staff between August 8, 2018, and July 15, 2019;
- 8 3. Brief Enforcement Hearing Notice dated August 16, 2018;
- 9 4. Findings of Fact, Conclusions of Law, and Order Imposing Fine dated October
10 5, 2018;
- 11 5. Request for Reconsideration of the October 5, 2018 Final Order, dated May 22, 2019;
- 12 6. F-1 Report, certifying financial activity for calendar year 2017, filed on June 10, 2019;
- 13 7. Reconsideration hearing notice, dated July 12, 2019; and
- 14 8. Amended Written Statement of Bhaskar Deodhar, dated July 16, 2019.

15 16 **I. FINDINGS OF FACT**

17 The matter involved the Respondent's request that the Commission reconsider the
18 finding that he violated RCW 42.17A.700 by failing to file a Personal Financial Affairs
19 Statement (F-1 Report) which was due to be filed no later than April 16, 2018, certifying
20 financial activity for calendar year 2017. The Respondent is a former Water Commissioner of
21 Rocky Point Water District 12 and held that office from 2014 until his resignation in June of
22 2017.

23 The Respondent notified PDC Staff that he was resigning on June 25, 2017, due to health
24 concerns. PDC Staff responded on June 27, 2017, that F-1 reports were required for any time
25 served as a Water Commissioner in calendar years 2016 or 2017. From April to June 2018, PDC
26

1 Staff sent seven email reminders to the Respondent concerning the F-1 report filing requirement.
2 A warning letter was sent by U.S. mail to the Respondent on July 16, 2018, but was returned
3 undeliverable. Hearing notices were sent to the Respondent's address of record and the email
4 address of record as provided by the jurisdiction on August 16, 2018. The notice sent to the
5 physical address was returned as "unable to forward" on August 27, 2018, but the emailed
6 hearing notice was not returned as undeliverable.

7 On September 24, 2018, a Brief Adjudicative Proceeding was held in which the Presiding
8 Officer found the Respondent in violation of RCW 42.17A.700 for failing to file an F-1 report
9 certifying financial activity for calendar year 2017. The Respondent did not appear. Respondent
10 was assessed a \$250 penalty in accordance with WAC 390-37-143, the Commission's penalty
11 schedule. The Initial Order was entered on October 5, 2018, and sent to the Respondent by U.S.
12 Mail and email. Neither copy of the Initial Order was returned as undeliverable. The Initial
13 Order became the Final Order on October 26, 2018, as no timely request for review was received.
14 The Final Order became binding on November 5, 2018, and was referred to a collection agency
15 for collections on May 1, 2019.

16 The Respondent contacted PDC Staff on May 21, 2019 after receiving notice of a past-
17 due civil penalty with collection fees assessed. He explained he had not received any of the
18 warnings, hearing notices, or the Initial or Final Orders because he had moved from his home
19 due to health needs and his email account was compromised and he could not access to it for
20 several years. He also explained that his severe health issues required numerous hospital visits
21 and impacted his ability to submit the required forms. After learning of the Respondent's service
22 and health issues, PDC Staff affirmed that the collection account could be cancelled. The
23 Respondent then submitted on May 22, 2019, a written request for reconsideration of the \$250
24 civil penalty on the basis of health and service issues frustrating compliance. PDC Staff advised
25 him he would have to come into compliance with his filing obligations, making sure that F-1
26

1 reports were filed for each year or partial year he served as a Water Commissioner. On June 10,
2 2019, Staff received the missing F-1 report certifying financial activities in calendar year 2017
3 and on June 12, 2019, the missing reports for calendar years 2013, 2014, and 2015, were
4 received. The final F-1 report for 2016 was received June 17, 2019.

5 On June 18, 2019, PDC Staff offered to schedule a reconsideration hearing on June 27,
6 if the Respondent would agree to waive the 10-days' notice requirement. He declined to do so
7 and the hearing was scheduled for July 25, 2019, at the regular Commission Meeting.

8 9 **II. CONCLUSIONS OF LAW**

10 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
11 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the
12 Administrative procedure Act; and Title 390 WAC.

13
14 2. The Respondent violated RCW 42.17A.700 by failing to timely file a Personal
15 Financial Affairs Statement (F-1 report), due no later than April 16, 2018, certifying
16 financial activity for calendar year 2017.

17 18 **III. ORDER**

19 Because the Respondent has come into compliance with all financial affairs reporting
20 obligations, and in recognition of the service and health issues presented by this record, the
21 Respondent's request for reconsideration is granted. This Amended Order will be the Final
22 Order. The Findings of Fact and Conclusions of Law entered on October 5, 2018, are affirmed.
23 Of the \$250 penalty assessed in the October 5, 2018 Order, \$250 is suspended on the following
24 conditions:
25
26

1 1. The Respondent is in compliance with all PDC reporting requirements and commits
2 no further violations of Chapter 42.17A. RCW or Title 390 WAC for a period of four
3 years from the date of this Final Order.
4

5 If the Respondent fails to comply with any of the conditions of this Final Order, the
6 suspended portion of the penalty (\$250) shall immediately become due without further action by
7 the Commission.
8

9
10 SO ORDERED this 31th day of July, 2019.

11 WASHINGTON STATE PUBLIC
12 DISCLOSURE COMMISSION

13 FOR THE COMMISSION:

14 

15 _____
16 Anne Levinson
17 Chair, Public Disclosure Commission

18
19
20
21 *This order sent by email to:*
22 Bhaskar Deodhar
vandana@juno.com

23 Fox Blackhorn-Delph,
24 PDC Compliance Coordinator
Fox.Blackhorn@pdc.wa.gov

25 Chad Standifer, Assistant Attorney General
26 (ChadS@atg.wa.gov)

I, _____, certify that I emailed a
copy of this order to the Respondent at his respective
email address.

Signed

Date