



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

August 17, 2016

John Scannell
501 South Jackson, #302
Seattle WA 98104

Subject: John Scannell, PDC Case 6787

Dear Mr. Scannell:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. The Presiding Officer assessed a civil penalty of \$300, \$150 for the late filed Candidate Registration (C-1 report) and \$150 for the late filed Personal Financial Affairs Statement (F-1 report) in accordance with the penalty schedule set forth in WAC 390-37-165, of which \$200 is suspended on the following conditions:

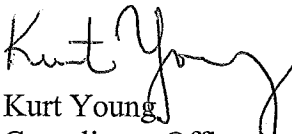
- You pay the \$100 non-suspended portion of the penalty within 10 days of receiving this Order.
- You commit no further violations of RCW 42.17A or WAC 390 for four years from the date of the Order

The \$100 non-suspended portion of the penalty is payable by August 30, 2016. Please make the check or money order payable to the WA State Treasurer, and mail to the following:

WA State Treasurer - Public Disclosure Commission
Financial Office
PO Box 41465
Olympia, WA 98504-1465

Thank you for your participation at the Brief Enforcement hearing. If you have questions, please contact me at (360) 664-8854; or by email at kurt.young@pdcc.wa.gov.

Sincerely,


Kurt Young
Compliance Officer

Enclosure



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

John Scannell
501 South Jackson, #302
Seattle WA 98104

In Re Compliance with RCW 42.17A

John Scannell

Respondent.

PDC Case 6787

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

A brief enforcement hearing (brief adjudicative proceeding) was held August 5, 2016, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated: (1) RCW 42.17A.205 by failing to file a Candidate Registration (C-1 report); and (2) RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report). The C-1 and F-1 reports were both due to be filed within two weeks of becoming a candidate in the 2016 election, or not later than June 3, 2016.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to John Scannell on July 21, 2016. Commission Chair Anne Levinson was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent appeared in person at the hearing, and presented testimony to the Presiding Officer.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a candidate for Washington State Supreme Court Justice in 2016.
2. Previously, the Respondent was a candidate for Washington State Supreme Court Justice in 2014.
3. As a candidate for office in 2016, the Respondent was required to file a C-1 report and an F-1 report no later than June 3, 2016.
4. The Respondent filed the missing C-1 or F-1 reports on August 5, 2016, prior to the enforcement hearing convening.

5. The Respondent has no prior violations.
6. The Respondent stated that the failure to file the missing reports was an oversight on his part. He stated that he was aware of the C-1 and F-1 filing requirements, since he had been a candidate for State Supreme Court Justice in 2014. He stated that he had received the warning letter from PDC staff, but added that he had been very busy with a lawsuit which took up a lot of his time.

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.205 by failing to timely file the C-1 report by June 3, 2016.
3. The Respondent violated RCW 42.17A.700 by failing to timely file the F-1 report by June 3, 2016.

ORDER

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

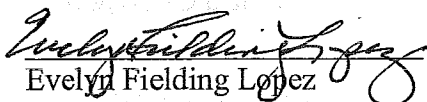
IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$300 in accordance with the penalty schedule set forth in WAC 390-37-165, of which \$200 is suspended on the following conditions:

1. The Respondent pays the \$100 non-suspended portion of the penalty within 10 days of receiving this Order.
2. The Respondent commits no further violations of RCW 42.17A or WAC 390 for four years from the date of the Order

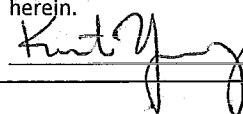
This is an **Initial Order** of the Public Disclosure Commission. In the event you fail to meet any of the terms of the suspended penalty, the suspended portion of the penalty (\$200) shall become due without any further intervention of the Commission.

Entered this 17th day of August, 2016.

Public Disclosure Commission


Evelyn Fielding Lopez
Executive Director

I, Kurt Young, certify that I mailed a copy of this order to the Respondent/Applicant at his/her respective address postage pre-paid on the date stated herein.

 8/17/2016

Respondent's Appeal Rights

REVIEW OF INITIAL ORDER - BY THE COMMISSION

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission **review** an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review (*WAC 390-37-144*).
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request. If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below.

If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable. If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order**. At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570*.

RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150*.

- Note: the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). (The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. WAC 390-37-150.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. RCW 34.05.470(5).

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A **final order** issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.