



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.pdcca.wa.gov

March 4, 2016

PDC Case No. 1946

MARK NICHOLS
403 S LINCOLN ST SUITE 4 PMB 70
PORT ANGELES WA 98362-3025

Brief Enforcement Hearing Notice

Hearing date: Tuesday, March 15, 2016
Time: 10:00 a.m. (*all times approximate*)
Place: Evergreen Plaza Bldg., Room 206
711 Capitol Way
Olympia, WA 98504-0908

Presiding Officer: Katrina Asay, Chair, Public Disclosure Commission
Authority for Hearing: RCW 42.17A.105, 42.17A.110 and 42.17A.755

This letter is to notify you that on Tuesday, March 15, 2016, the Public Disclosure Commission will hold a Brief Enforcement hearing (Brief Adjudicative Proceeding) concerning the allegation that Mark Nichols violated RCW 42.17A.405 by accepting contributions that exceeded applicable limits in the 2014 race for Clallam County Prosecutor.

The Presiding Officer is scheduled to hold a brief hearing on the allegations to determine if actual violations occurred and if so, to assess penalties or other appropriate remedies.

If you plan to be present at the hearing, participate by telephone, or be represented by legal counsel, please notify us in advance of the hearing date. If you do not plan to be present at the hearing, you may submit evidence on your own behalf or in mitigation no later than March 14, 2016. You may do so by writing to the Chair, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

If a hearing proceeds and you fail to attend or provide information on your own behalf, you may be found in default and the Commission may assess appropriate penalties. Under the Brief Enforcement hearing rules, the Chair has the authority to assess a penalty of up to \$1,000. You are not required by law to attend, but the Commission recommends that respondents appear in person whenever possible or participate by telephone if personal appearance is not possible. PDC staff will present this matter to the Commission Chair.

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I am enclosing a copy of the Brief Enforcement Hearing brochure. If you have questions regarding this matter, please contact me at (360) 586-1042, toll free at 1-877-601-2828, or by e-mail at tony.perkins@pdc.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Perkins".

Tony Perkins
PDC Compliance Officer

Enclosure (Brief Enforcement Hearing Brochure)

cc: Will Payne

What happens next?

Within two weeks you will receive an initial order, along with a cover letter that explains the Presiding Officer's findings.

Along with your initial order, you will receive information about your appeal rights. Typically, an appeal is when you ask the full Commission to review the order.

Make sure that you carefully follow the review procedures if you wish to appeal. If there is no appeal before the Full Commission, the initial order becomes a final order. Superior Court handles any further appeals.

If you are required to pay a penalty, make your check payable to the Washington State Treasurer. Penalties are usually due within thirty days.

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 under "Guide to the Law."

The laws are in the Revised Code of Washington (RCW) Chapter 42.17A. The rules are in the Washington

Administrative Code (WAC) Title 390.

WAC 390-37-140 through 390-37-150 defines the Brief Enforcement Hearing process, as does the Administrative Procedure Act (APA) at RCW 34.05.482-.494.

Whom can I contact at the PDC if I have other questions?

See the PDC staff contact information in your letter. The *toll-free number* is 1-877-601-2828.

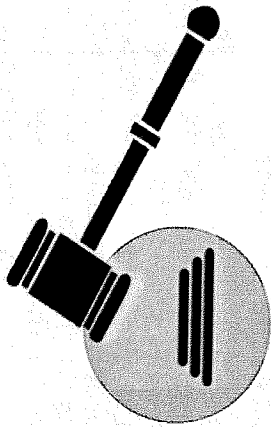
The PDC's mailing address is:

Public Disclosure Commission

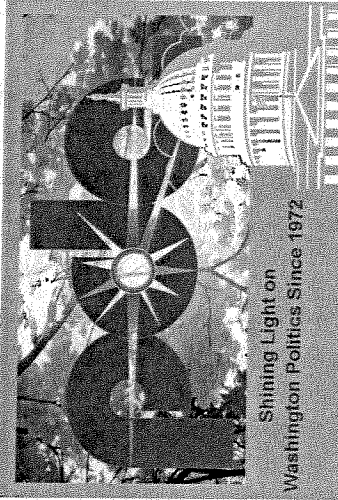
PO Box 40908

Olympia, WA 98504-0908.

The main telephone number (not toll-



Brief Enforcement Hearing Information January 2016



Washington State
Public Disclosure Commission
711 Capitol Way Rm 206
P O Box 40908
Olympia WA 98504-0908

(360) 753-1111
Toll-free 1-877-601-2828
www.pdc.wa.gov
e-mail: pdc@pdc.wa.gov

www.pdc.wa.gov

BRIEF ENFORCEMENT HEARINGS

The Public Disclosure Commission (PDC) has scheduled your case for a Brief Enforcement Hearing.

You are the Respondent in this matter.

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

RCW 42.17A.001 (10)

Frequently Asked Questions:

What is a brief enforcement hearing?

The PDC uses brief enforcement hearings for cases where the facts are not in dispute and the alleged violations are relatively minor. The maximum penalty that can be assessed is \$1,000.

The Chair of the Public Disclosure Commission, or another Commissioner, presides over the hearing. PDC staff present the case. To present your side you can appear in person, by telephone, or in writing.

What can I do to avoid the hearing?

Depending on the enclosed letter, you may avoid the hearing by filing the missing report(s), paying the stated penalty, and/or completing a Statement of Understanding a stipulation.

If you would like to stipulate and have questions, please contact the staff person mentioned in the letter.

How do I prepare for the hearing?

Brief hearings are informal in nature. An attorney is not necessary. Most people represent themselves.

In person participation

Submit material early or bring three copies of any information for the Presiding Officer to consider when making a decision.

If you are having other people, (witnesses) testify they must also be available for the hearing at the scheduled time and place. The scheduled starting time is an estimate.

Telephone participation

If you wish to participate by phone, let PDC staff know in advance. Provide an accurate telephone number. You must be available at the designated time of the hearing. The hearing time is an estimate. The Presiding Officer calls cases and establishes the timeline for the hearing. All participants must wait their turn.

Participation in writing

Submit statements at least 24 hours before the hearing starts.

Participation in the Brief Enforcement hearing is not mandatory.

What happens at the hearing?

The Presiding Officer introduces the participants and explains the procedures of the hearing. Hearings typically follow set formats and time limits. The PDC process is informal with most people effectively presenting their cases on their own.

PDC staff provides background information about the case. Then you may have an opportunity to present your side. Everyone takes an oath before providing testimony. The Presiding Officer might ask some questions about the information presented. The Presiding Officer also considers written information during the hearing.

The Presiding Officer adjourns the hearing if the case might have penalties above \$1,000. Cases with penalties above \$1,000 are heard by the full Commission.

Who makes the decision?

The Presiding Officer makes decisions based on the information presented. Using penalty schedules from the related WACs the Presiding Officer determines an appropriate penalty amount. The Presiding Officer announces penalty amounts for the initial order. Mailing of the Initial orders happens within 10 days. In some cases, the Presiding Officer may use a different penalty schedule, based on PDC Rules, to determine the appropriate penalty.