



State of Washington
PUBLIC DISCLOSURE COMMISSION

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October 13, 2022

PayQwick
23801 Calabasas Rd # 1017
Calabasas CA 91302

Delivered electronically to dmadrid@payqwick.com & kgreenberg@payqwick.com

Subject: Final Order; PDC Case Number 64863

Dear PayQwick:

Attached is the Final Order entered at the September 22, 2022 Regular Commission Meeting of Public Disclosure Commission.

The Commission Vacated the Initial Order including the assessed \$250 penalty dependent upon the conditions detailed in the attached Order.

If you have any questions, please contact PDC Staff by email at pdcc@pdcc.wa.gov – and be sure to reference your case number in the subject line of the email.

Sincerely,

Tabitha Townsend
Compliance Coordinator 2
360.586.4555



Enclosure: Final Order

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

7 In Re: The Matter of Enforcement Action
8 Against:

9 PAYQWICK,

10 Respondent.
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PDC CASE NO. 64863

FINAL ORDER ON REQUEST
FOR RECONSIDERATION

13 This matter was heard in person by the Washington State Public Disclosure Commission
14 (Commission) on September 22, 2022, and by telephonic and online streaming access.
15 PayQwick (Respondent), requested review of the Presiding Officer's Order issued on February
16 28, 2020, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) in this matter.
17 The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37
18 WAC.

19 Commissioners present in person were Fred Jarrett, Commission Chair (presiding);
20 Nancy Isserlis, Commission Vice-Chair; and Commissioners William Downing, Allen Hayward,
21 and Jocelyn Cooney. Also present in person, telephonically, or online were Assistant Attorney
22 General John S. Meader representing the Commission, Assistant Attorney General Chad
23 Standifer, representing PDC Staff, and Tabitha Townsend, PDC Compliance Coordinator. The
24 Respondent did appear on its own behalf through its staff members Kevin Greenberg and
25 Daniella Madrid. The proceeding was open to the public as limited by Governor's Proclamation
26 20-28 *et seq.* and recorded.

1 The Commissioners had before them the following materials:

- 2 1. Case memorandum dated September 14, 2022, prepared by Tabitha Townsend, PDC
3 Compliance Coordinator;
- 4 2. Respondent profile printout/filing history as of September 14, 2022;
- 5 3. Brief Enforcement Hearing Notice, PDC Case 64863, served February 13, 2020;
- 6 4. Initial Order Imposing Fine, entered March 9, 2020;
- 7 5. Written request for reconsideration, received August 29, 2022;
- 8 6. Reconsideration Hearing Notice, PDC Case 64863, served September 12, 2022.

9 10 **I. FINDINGS OF FACT**

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12 This matter involves PayQwick (Respondent), a lobbyist employer during calendar years
13 2016, 2017, and allegedly for 2018. During a Brief Enforcement Hearing held on February 28,
14 2020, Respondent was found to have violated RCW 42.17A.630 for failure to timely file a
15 Lobbyist Employer Annual Expense report with the PDC (L-3) for 2018 lobbying activities due
16 to be filed no later than February 28, 2019. At the Brief Enforcement Hearing an Order imposing
17 a \$250 civil fine was entered.

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19 1. The L-3 report is required by RCW 42.17A.630 to be filed no later than the end
20 of February or the first working day of March of each calendar year, disclosing lobbying
21 activities in the previous calendar year.

22 2. The Respondent's L-3 report disclosing lobbying activity in calendar year 2018
23 was due to be filed no later than February 28, 2019.

24 3. On February 13, 2020, PDC staff emailed the Respondent a hearing notice for a
25 Brief Adjudicative Proceeding (Brief Enforcement Hearing) to be held on February 28, 2020.

26 4. On March 9, 2020, PDC Staff served the Initial Order memorializing the

1 Commission's ruling, by mail and email.

2 5. As of September 22, 2022, the Respondent has not filed the missing Lobbying
3 Expense Report (L-3) for calendar years 2016, 2017, and 2018.

4 6. On August 29, 2022, Daniella Madrid, representative for the Respondent, emailed
5 the PDC requesting reconsideration due to staffing changes at the Respondent and claims that
6 there was no lobbying performed for calendar year 2018.

7 7. On September 12, 2022, PDC Staff served the Respondent, by mail and email,
8 with a hearing notice for a September 22, 2022, Reconsideration Hearing before the
9 Commission, along with instructions on how to participate in the hearing remotely.

10 7. The Respondent has not filed the missing 2016, 2017, and 2018 L-3 reports as of
11 the date of this hearing.

12 9. On September 2, and 22, 2022, the Respondent submitted written materials to
13 PDC staff requesting reconsideration of the February 28, 2020, Initial Order.

14 10. At the September 22, 2022, reconsideration hearing the Respondent testified that the
15 PDC had erroneously emailed the prior notices and order to "kmarks@payquick.com" when the
16 PDC's address of record correctly listed the respondent as "kmarks@payqwick.com." PDC staff
17 confirmed the data entry error. It was also determined that the Respondent's lobbying activities
18 ended in calendar year 2017 and did not cover the 2018 calendar year.

19 11. PDC staff recommends that the Commission vacate the February 28, 2020, order.
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21 II. CONCLUSIONS OF LAW

22 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
23 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the
24 Administrative procedure Act; and Title 390 WAC.
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2. The Respondent did not violate RCW 42.17A.630 for the calendar year 2018 because it did not contract for or conduct lobbying activities in that year and thus was not required to file an L-3 report that was due no later than February 28, 2019.

3. Lobbying reports are due for calendar years 2016 and 2017 as required by RCW 42.17A.630.

III. ORDER

The Request for Reconsideration is GRANTED. This Order on Reconsideration will be the Final Order. The violation for failing to timely file the L-3 report for calendar year 2018 and the \$250 civil penalty assessed by the February 28, 2020, Initial Order is VACATED on the following conditions:

1. a. The missing L-3 reports for calendar years 2016 and 2017 are filed within 30 days of the date of this Final Order.

b. The Respondent remains in full compliance with all PDC reporting requirements and is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Final 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.

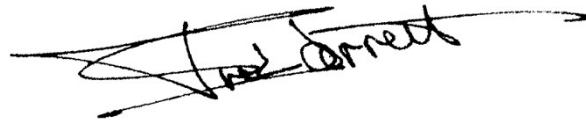
2. If the Respondent fails to meet the conditions in Section III(1) of this order within 30 days of the date of this order, the vacated penalty for calendar year 2018 shall immediately become due and the matter may be sent to collection or brought to

1 Superior Court as allowed by law without further action by the Commission.

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3 SO ORDERED this _13th_ day of October, 2022.

4 WASHINGTON STATE PUBLIC
5 DISCLOSURE COMMISSION

6 FOR THE COMMISSION:

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9 Fred Jarrett,
Chair, Public Disclosure Commission

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11 *This order sent by email to:*

12 PayQwick, Respondent
13 kgreenberg@payqwick.com
14 dmadrid@payqwick.com

15 Tabitha Townsend,
16 PDC Compliance Coordinator,
pdc@pdc.wa.gov

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

Electronically Signed by Tabitha Townsend October 13, 2022
Signed Date

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19 **NOTICE: PETITION FOR JUDICIAL REVIEW**

20 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
21 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
22 Order must be filed with the court and also served upon both the Commission and the Office of
23 the Attorney general within thirty (30) days after the date this Final Order is served upon you.
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