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

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

9 RACHEL ALGER,
10 Respondent.
11

PDC CASE NO. 93925

FINAL ORDER ON REQUEST
FOR RECONSIDERATION

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13 This matter was heard at the Regular Meeting of the Washington State Public Disclosure
14 Commission (Commission) on December 2, 2021, by telephonic and online streaming access.
15 Rachel Alger (Respondent), requested review of the Presiding Officer's Order, issued following
16 a Brief Enforcement Hearing (Brief Adjudicative Proceeding) held July 15, 2021. The hearing
17 was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

18 Commissioners present were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis,
19 Commission Vice-Chair; and Commissioners William Downing and Allen Hayward. Also
20 present both telephonically and online were Assistant Attorney General John S. Meader
21 representing the Commission, Assistant Attorney General Chad Standifer, representing PDC
22 Staff, and Tabitha Townsend, PDC Compliance Coordinator. The Respondent appeared on her
23 own behalf. The proceeding was open to the public as limited by Governor's Proclamation 20-
24 28 *et seq.* and recorded.

25 The Commissioners had before them the following materials:

- 26 1. Case memorandum dated December 2, 2021, prepared by Tabitha Blacksmith, PDC

1 Compliance Coordinator;

2 2. Brief Enforcement Hearing Notice served June 28, 2021;

3 3. Initial Order Imposing Fine, entered August 12, 2021;

4 4. Written request for appeal emails, received October 18, 2021, and October 25, 2021;

5 5. Financial Affairs Statement (CY 2020) filed October 29, 2021;

6 6. Reconsideration Hearing Notice, served November 18, 2021.

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8 **I. FINDINGS OF FACT**

9 This matter involves Rachel Alger (Respondent), a Professional Staff member for the
10 House of Representatives during calendar year 2020. Her term ended in September, 2020.
11 During a Brief Enforcement Hearing held on July 15, 2021, Respondent was found to have
12 violated RCW 42.17A.700 for failure to timely file a Personal Financial Affairs Statement (F-1
13 Report) no later than April 15, 2021. At the Brief Enforcement Hearing an Order imposing a
14 \$250 civil fine, with \$150 suspended, was entered. The Respondent has no prior violations of
15 RCW 42.17A.700 with the PDC.

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17 1. Pursuant to RCW 42.17A.700, an elected or appointed official who held office in
18 2020 was required to file an F-1 report, disclosing financial information for calendar year 2020,
19 no later than April 15, 2021.

20 2. In March and April of 2021, PDC staff sent email reminders to all elected and
21 appointed officials regarding their missing F-1 reports for calendar year 2020.

22 3. On May 11, 2021, PDC staff emailed the Respondent a warning notice regarding
23 the missing F-1 report for calendar year 2020. The notice was sent to the Respondent's email
24 address of record, which was an official leg.wa.gov email address.

25 4. On June 28, 2021, PDC staff emailed the Respondent a hearing notice for a July
26 15, 2021, Brief Adjudicative Proceeding (Brief Enforcement Hearing) to Respondent's email

1 address of record.

2 5. At the Brief Enforcement Hearing held on July 15, 2021, the Respondent was
3 found in violation of RCW 42.17A.700 for failure to timely file the F-1 report no later than April
4 15, 2021. Respondent was assessed a \$250 penalty consistent with WAC 390-37-143, the Brief
5 Enforcement Hearing penalty schedule adopted by the Commission. The Presiding Officer
6 suspended \$150 of the \$250 penalty conditioned upon the Respondent filing the missing F-1
7 report and paying the non-suspended \$100 penalty within 30 days of the Initial Order being
8 served.

9 6. On August 17, 2021, PDC staff served the Initial Order to the Respondent's email
10 address of record.

11 7. On October 18, 2021, and October 25, 2021, the Respondent submitted written
12 materials to the PDC appealing the August 12, 2021, Order because she had resigned her position
13 and no longer had access to her legislative email address and did not receive the notices regarding
14 her F-1 report and July 15, 2021, hearing.

15 8. On October 29, 2021, Respondent filed the F-1 report covering the calendar year
16 2020 activity.

17 9. On November 18, 2021, PDC staff served the Respondent, by email, with a
18 hearing notice for a December 2, 2021, Reconsideration Hearing before the Public Disclosure
19 Commission along with instructions on how to participate in the hearing remotely. This notice
20 was sent to the personal email address provided by the Respondent.

21 22 **II. CONCLUSIONS OF LAW**

23 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
24 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the
25 Administrative procedure Act; and Title 390 WAC.
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2. The Respondent violated RCW 42.17A.700 by failing to timely file the F-1 report for calendar year 2020 that was due no later than April 15, 2021.

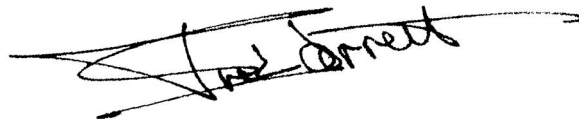
I. ORDER

The Commission agreed to RECONSIDER this matter. The civil penalty of \$250, with \$150 suspended, assessed at the July 15, 2021, brief adjudicatory hearing, is RESCINDED in full. The finding of a violation of RCW 42.17A.700 for failing to timely file the annual Personal Financial Affairs Statement (F-1 report) that was due no later than April 15, 2021, stands as stated in the order dated July 15, 2021.

SO ORDERED this _16th_ day of December, 2021.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:



Fred Jarrett,
Chair, Public Disclosure Commission

This order sent by email to:
Rachel Alger, Respondent
rachel.alger@gmail.com

Tabitha Townsend & Tabitha Blacksmith,
PDC Compliance Coordinators,
pdc@pdc.wa.gov

I, __Tabitha Townsend__, certify that I emailed a copy of this order to the Respondent at her respective physical and email addresses.

Electronically Signed by Tabitha Townsend December 16, 2021
Signed _____ Date _____

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2 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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