

1
2
3
4
5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **OF THE STATE OF WASHINGTON**

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

9 DAVID HAVILAND,
10 Respondent.
11

PDC CASE NO. 93992

FINAL ORDER ON REQUEST
FOR RECONSIDERATION

12
13 This matter was heard at a Special Meeting of the Washington State Public Disclosure
14 Commission (Commission) on October 12, 2021, by telephonic and online streaming access.
15 David Haviland (Respondent), requested review of the Presiding Officer's Order, issued
16 following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) held July 15, 2021. The
17 hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37
18 WAC.

19 Commissioners present were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis,
20 Commission Vice-Chair; and Commissioners William Downing and Allen Hayward. Also
21 present both telephonically and online were Assistant Attorney General John S. Meader
22 representing the Commission, Assistant Attorney General Chad Standifer, representing PDC
23 Staff, and Tabitha Townsend, PDC Compliance Coordinator. The Respondent received notice
24 and did not appear on his own behalf. The proceeding was open to the public as limited by
25 Governor's Proclamation 20-28 *et seq.* and recorded.

26 The Commissioners had before them the following materials:

- 1 1. Case memorandum dated October 5, 2021, prepared by Tabitha Townsend, PDC
2 Compliance Coordinator;
- 3 2. Brief Adjudicative Proceeding Hearing Notice emailed June 28, 2021;
- 4 3. Respondent's request for Reconsideration dated September 28, 2021;
- 5 4. Reconsideration Hearing Notice emailed October 4, 2021;
- 6 5. Financial Affairs Statement (CY 2020), filed October 5, 2021;

8 I. FINDINGS OF FACT

9 This matter involves David Haviland (Respondent), a City Council Member for the City
10 of Aberdeen during calendar year 2020. The Respondent stated he left office during January
11 2021. During a Brief Enforcement Hearing held on July 15, 2021, Respondent was found to
12 have violated RCW 42.17A.700 for failure to timely file a Personal Financial Affairs Statement
13 (F-1 Report) no later than April 15, 2021. At the Brief Enforcement Hearing an Order imposing
14 a \$250 civil fine, with \$150 suspended, was entered. The Respondent has no prior violations of
15 RCW 42.17A.700 with the PDC.

16
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. Between February and May of 2021, PDC staff emailed a warning notice
23 regarding the missing F-1 report for calendar year 2020. The notice was sent to the Respondent's
24 email address of record.

25 4. On May 11, 2021, PDC staff emailed warning letters to elected and appointed
26 officials regarding their missing F-1 reports for calendar year 2020.

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

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

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

7. On September 16, 2021, the Respondent provided verbal information to PDC staff that he was requesting an appeal due to his resignation being prior to the hearing and that he did not have access to his Council email account.

8. On September 28, 2021, Respondent submitted written materials to PDC staff appealing the August 12, 2021, Initial Order based on the fact he was asked to resign his City Council position due to a work-related conflict of interest and for personal family medical issues.

8. PDC staff emailed Respondent the Reconsideration Hearing Notice on October 4, 2021, along with instructions on how to participate in the hearing remotely.

9. The Respondent filed the missing 2020 F-1 report covering calendar year 2020 activity on October 5, 2021.

II. CONCLUSIONS OF LAW

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

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.

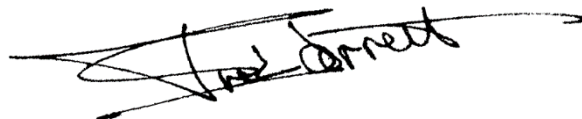
III. ORDER

The Request for Reconsideration is DENIED. This order shall be the Final Order. The civil penalty of \$250, with \$150 suspended, issued at the July 15, 2021, hearing is affirmed.

SO ORDERED this __8th__ day of November, 2021.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:



Fred Jarrett,
Chair, Public Disclosure Commission

This order sent by email to:

David Haviland, Respondent
aberdeenman@gmail.com

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

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

Electronically Signed Tabitha Townsend

Signed

11/9/2021

Date

1
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.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26