



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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October 15, 2021

Delivered electronically to marnan1385@comcast.net

Subject: Final Order; PDC Case Number 94160

Dear NancyJean Fey:

Attached is the Final Order entered at the September 23, 2021 Regular Commission Meeting of Public Disclosure Commission.

The Commission Affirmed the Initial Order including the assessed \$250 penalty with \$150 suspended dependent upon the conditions detailed in the attached Order.

The \$100 non-suspended portion of the penalty is due 30 days from today which is **Monday, November 15, 2021.**

Mail a check or money order to the following address:

**Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908**

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

Sincerely,

PDC Staff
Compliance and Enforcement Division

Enclosure

- Final Order

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

In Re: The Matter of Enforcement Action
Against:

PDC CASE NO. 94160

FINAL ORDER

NANCYJEAN M. FEY,

Respondent.

This matter was heard remotely by the Washington State Public Disclosure Commission (Commission) on September 23, 2021, by telephonic and online streaming access. Respondent requested review of the Initial Order within 21 calendar days of the order being served on her. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present both telephonically and online were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis, Commission Vice-Chair; Commissioner Bill Downing, and Commissioner Allen Hayward. Also present both telephonically and online were Assistant Attorney General John S. Meader representing the Commission, Assistant Attorney General Chad Standifer, representing PDC Staff, and Jennifer Hansen, PDC Compliance Officer. Respondent NancyJean M. Fey did not appear on her own behalf. The proceeding was open to the public as limited by Governor's Proclamation 20-28 *et seq.* and recorded.

1 The Commissioners had before them the following materials:

- 2 1. Case memorandum dated September 15, 2021, prepared by Jennifer Hansen, PDC
3 Compliance Officer;
- 4
- 5 2. Brief Enforcement Hearing Notice, PDC Case 94160, sent to Respondent on June 25,
6 2021, for Adjudicative Proceedings on July 15, 2021;
- 7
- 8 3. Initial Order Imposing Fine, PDC Case 94160, entered August 16, 2021;
- 9
- 10 4. Written request for appeal of the Initial Order, dated July 22, 2021;
- 11
- 12 5. Reconsideration Hearing Notice, PDC Case 94160, served September 15, 2021, and
13 the corrected notice served September 17, 2021.
- 14

15 I. FINDINGS OF FACT

16 The matter involves alleged violation of RCW 42.17A.700 for failure to timely file a
17 Personal Financial Affairs Statement (F-1 Report) no later than April 15, 2021, for calendar year
18 2020.

19 1. NancyJean M. Fey served as a Hospital Commissioner for Whidbey Island
20 Hospital District during calendar year 2020. The Respondent has no prior violations with
21 the PDC.

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23 2. Between February and May of 2021, PDC staff sent email reminders to all elected
24 and appointed officials regarding their missing F-1 reports for calendar year 2020.

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

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4 4. On June 25, 2021, PDC staff emailed the Respondent a hearing notice for a
5 Brief Adjudicative Proceeding (Brief Enforcement Hearing) to be held on July 15,
6 2021. The hearing notice was sent to the Respondent's email address of record.

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8 5. At the July 15, 2021, Brief Enforcement Hearing the Respondent was found in
9 violation of RCW 42.17A.700 for failure to timely file the F-1 report no later than April
10 15, 2021, and was assessed a \$250 penalty, with \$150 suspended, consistent with WAC
11 390-37-143, the Brief Enforcement Hearing penalty schedule adopted by the
12 Commission.

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14 6. On August 16, 2021, PDC staff served the Initial Order memorializing the
15 Commission's ruling by email to the contact email address of record.

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17 7. Respondent filed the F-1 report covering calendar year 2020 activity on July 22,
18 2021.

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20 8. On July 22, 2021, Respondent submitted written materials to PDC staff to
21 appeal the August 16, 2021, order stating she had experienced life threatening medical
22 issues.

23
24 9. On September 15, 2021, PDC staff served Respondent by email with a hearing
25 notice for a September 23, 2021, Hearing on Reconsideration before the Commission,
26 along with instructions on how to participate in the hearing remotely. On September

1 17, 2021, staff served the Respondent with a corrected hearing notice to reflect the
2 appropriate agenda time.

3 4 **II. CONCLUSIONS OF LAW**

5 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
6 42.17A RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the
7 Administrative Procedure Act; and Title 390 WAC.

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

12 13 **III. ORDER**

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15 After consideration of the mitigating and aggravating factors, including Respondent's
16 written appeal, and the Findings of Fact, and the Conclusions of Law, the Commission
17 AFFIRMS the Initial Order assessing a civil penalty of \$250, with \$150 suspended, for late filing
18 of the F-1 report in violation of RCW 42.17A.700. This Order will be the Final Order.

19
20 1. Respondent NancyJean M. Fey is assessed a total civil penalty of \$250, with \$150
21 suspended, on the following conditions:

22 a. The \$100 non-suspended portion of the civil penalties due for violation
23 of RCW 42.17A.700 are paid by the Respondent within 30 days of the
24 date of this Final Order.

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26 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 make timely payment of the non-suspended portion (\$100) of the 2020 calendar year civil penalties in full within 30 days of this order, the suspended portion of the penalty shall immediately become due without further action by the Commission.

SO ORDERED this 15th day of October, 2021.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:

~~Jack Cornett~~

Fred Jarrett,
Chair, Public Disclosure Commission

This order sent by email to:

NancyJean M. Fey, Respondent
MARNAN1385@comcast.net

Jennifer Hansen,
PDC Compliance Officer,
Jennifer.Hansen@pdc.wa.gov

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

Jennifer Hansen October 15, 2021
Signed Date

1 **NOTICE: RECONSIDERATION**

2 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
3 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
4 you. Any Request for reconsideration must state the specific grounds for the relief requested.
5 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,
6 711 Capitols Way, Room 206, Box 40908, Olympia WA 98504-0908.

6 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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