



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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

August 16, 2021

NICHOLAS M FITZSIMMONS
PO BOX 553
LYLE WA 98635

And delivered electronically to "NICK.FITZSIMMONS@LYLESCHOOLS.ORG
micahash1@yahoo.com"

Subject: PDC Order, Case 94164

Dear NICHOLAS M FITZSIMMONS,

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

At the July 15, 2021, Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of \$250, of which \$150 is suspended, in accordance with WAC 390-37-143. The \$100 non-suspended penalty is payable within 30 days of the date of this Order.

The \$100 non-suspended penalty is payable no later than September 15, 2021.

Please make the check or money order payable to the WA State Treasurer, and mail the payment to the following:

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

It is further ordered that you file the missing F-1 report within 30 days of the date of this Order.

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdc@pdc.wa.gov.

Sincerely,

Electronically Signed by Tabitha Townsend
PDC Staff

Enclosure: Initial Order



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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A

PDC Case 94164

NICHOLAS M FITZSIMMONS,
Respondent.

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to NICHOLAS M FITZSIMMONS on June 25, 2021, a brief adjudicative proceeding was held on July 15, 2021, remotely from Olympia, WA by live audio and online transmission, to consider whether the Respondent violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) for calendar year 2020, which was due to be filed no later than April 15, 2021.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Chapter 390-37 WAC. Commission Chair Fred Jarrett was the Presiding Officer. The Commission staff was represented by Compliance Coordinators Tabitha Townsend and Tabitha Blacksmith, and Jennifer Hansen, Political Finance Officer. The Respondent did not participate in the hearing or submit any written materials.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is or was an elected or appointed official for SCHOOL DIRECTOR of LYLE SD 406.
2. As an elected or appointed official during the calendar year 2020, the Respondent was required to file an F-1 report by April 15, 2021.
3. The Respondent did not file the F-1 report by the date of the enforcement hearing.
4. The Respondent has no prior violations.

///

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened, and all jurisdictional, substantive, and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.700 by failing to file the F-1 report by April 15, 2021.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

1. **IT IS HEREBY ORDERED that the Respondent is assessed a total civil penalty of \$250, of which \$150 is suspended, in accordance with the Annual F-1 penalty schedule set forth in WAC 390-37-143.**
2. **It is further ordered that the Respondent:**
 - a. **Pay the \$100 civil penalty within 30 days of the date of this Order. If the Respondent fails to pay the \$100 within 30 days, PDC staff is directed to refer the matter to collections.**
 - b. **File the missing F-1 report within 30 days of the date of this Order.**
3. **It is further ordered that \$150 of the \$250 penalty is suspended on the following conditions:**
 - a. **The Respondent 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 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.**
 - b. **The non-suspended portion of the penalty (\$100) is paid by the Respondent within 30 days of the date of this Order. If the Respondent fails to pay the non-suspended penalty of \$100 within 30 days, the suspended portion of the penalty (\$150) shall immediately become due without further action by the Commission and PDC staff is directed to refer the matter to collections for the full penalty amount of \$250.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 12th of August 2021.

Public Disclosure Commission

Electronically signed by Peter Frey Lavallee
Peter Frey Lavallee
Executive Director

I, Tabitha Townsend, certify that I emailed a copy of this order to the Respondent at their respective email address on the date stated herein.

Electronically Signed by Tabitha Townsend
Signed

August 16, 2021
Date

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request by email, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1).
- All requests for review must be submitted electronically to pdcc@pdcc.wa.gov **REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE THIS INITIAL ORDER WAS ELECTRONICALLY DISTRIBUTED TO YOU.**

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the FINAL ORDER. *See* WAC 390-37-142(7).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542.