



**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: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

June 14, 2022

The Kushery
18026 SR 9, Ste B
Snohomish, WA 98296

And delivered electronically to thekushery502@gmail.com

Subject: PDC Order, Case 107111

Dear The Kushery,

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

At the May 19, 2022 Brief Enforcement Hearing, the Presiding Officer assessed a total civil penalty of \$300 in accordance with WAC 390-37-143, of which \$150 is suspended if the conditions of the Order are met.

The \$150 non-suspended penalty is payable within 30 days of the date of this Order, which is **July 14, 2022**.

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

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

It is also ordered that you file the missing L-3 report for **2020** within 30 days of this order, which is **July 14, 2022**. **To date, we have received your L-3 reports for 2019 and 2021.**

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

Sincerely,

Electronically Signed by Tabatha Blacksmith
PDC Staff

Enclosure: Initial Order



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

In Re: Compliance with RCW 42.17A

The Kushery,

Respondent.

PDC Case 107111

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

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to The Kushery on April 18, 2022, a brief adjudicative proceeding was held on May 19, 2022, remotely from Olympia, WA by live audio and online transmission, to consider whether the Respondent violated RCW 42.17A.630 by failing to file a Lobbyist Employer's Annual Report (L-3 Report) as a lobbyist employer for the 2021 calendar year. The L-3 report was due to be filed by February 28, 2022.

The hearing was held in accordance with Chapters 34.05 RCW and 42.17A RCW and Chapter 390-37 WAC. Commission Vice Chair Nancy Isserlis was the Presiding Officer. Commission staff was represented by Tabitha Townsend, Jordan Campbell, and Tabatha Blacksmith, Compliance Coordinators. 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 was a registered lobbyist employer in the State of Washington during calendar year 2021.
2. As a registered lobbyist employer, the Respondent was required to file an L-3 report by February 28, 2022, disclosing lobbying expenditures made during 2021.
3. The Respondent filed the missing L-3 report for 2021 prior to the date of the hearing.
4. The Respondent has one prior violation (PDC Case 91611).

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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.630 by failing to file the L-3 report for 2021 by February 28, 2022 as required.

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 \$300, in accordance with the L-3 penalty schedule set forth in WAC 390-37-143, of which \$150 is suspended.**
2. **It is further ordered that the Respondent:**
 - a. **File the missing L-3 reports for 2019 and 2020 from PDC Case 91611 within 30 days of the date of this Order.**
3. **It is further ordered that \$150 of the \$300 penalty is suspended upon the following condition(s):**
 - 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 missing L-3 reports for 2019 and 2020 are filed within 30 days of the date of this Order. If the Respondent fails to file the reports within 30 days, the suspended portion of the penalty shall immediately become due without further action by the Commission and PDC staff is directed to refer the matter to collections.**
 - c. **The non-suspended amount of \$150 is required to be paid within 30 days of the date of this Order. If the Respondent fails to pay the non-suspended amount within 30 days, the suspended portion of the penalty shall immediately become due without further action by the Commission and PDC staff is directed to refer the matter to collections.**

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

Entered this 14th day of June, 2022.

Public Disclosure Commission

Electronically Signed Peter Lavallee

Peter Lavallee
Executive Director

I, Tabatha Blacksmith, certify that I mailed and emailed a copy of this order to the Respondent at their respective address postage pre-paid, and by email on the date stated herein.

Electronically Signed Tabatha Blacksmith
Signed

June 14, 2022
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 pdc@pdc.wa.gov
- **REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE DATE 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.