



State of Washington
PUBLIC DISCLOSURE COMMISSION

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Memorandum

To: Public Disclosure Commission

From: Tabitha Townsend, Compliance Coordinator

Date: September 14, 2022

Subject: Nathaniel McMillion Enforcement Hearing Memorandum: PDC Case 110540

Allegations:

PDC staff alleges that Nathaniel McMillion, a former Regent/Trustee for Central Washington University, violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) for calendar year 2021 that was due no later than April 15, 2022.

Background:

- Nathaniel McMillion (the “Respondent”) served as a Regent/Trustee for CWU from June 1, 2020 through June 30, 2021.
- Pursuant to RCW 42.17A.700, an elected or appointed official who held office at any time in 2021 was required to file an F-1 report, disclosing personal financial information for the portion of the year 2021 in office, no later than April 15, 2022.
- In March and April of 2022, PDC staff sent email reminders to all elected and appointed officials regarding their missing F-1 reports for calendar year 2021.
- On May 11, 2022, PDC staff emailed officials warning notices regarding missing F-1 reports. The notice was sent to the email addresses-of-record.
- On September 8, 2022, September 9, 2022 and September 12, 2022, PDC staff served the Respondent, by email and mail, with a hearing notice for a September 22, 2022 Enforcement Hearing before the full Public Disclosure Commission concerning his failure to file the F-1 report.
- As of September 14, 2022, the Respondent has not filed the missing F-1 report covering calendar year 2021 that was due no later than April 15, 2022.

Prior Violations of RCW 42.17A.700:

The Respondent has one prior violation of RCW 42.17A.700 that occurred within the last five years:

Prior Violation (PDC Case 94162)

- The Respondent failed to timely file an F-1 report for calendar year 2020, which was due no later than April 15, 2021.
- On July 15, 2021, a Brief Adjudicative Proceeding (Brief Enforcement Hearing) was held, in which the Respondent was found in violation of RCW 42.17A.700 and assessed a \$250 penalty for failing to file an F-1 report that was due no later than September 15, 2021. PDC staff served the Initial Order to the Respondent, by mail and email, on August 17, 2021.
- As of September 14, 2022, the Respondent has not filed the F-1 report for calendar year 2020 or paid the \$250 civil penalty for PDC Case 94162.

Additional Information:

- The Respondent currently has an unpaid balance of \$250 outstanding for prior enforcement case 94162 with the PDC, which was sent to collections. No payments have been made by the Respondent.
- Per WAC 390-37-143(5), cases “will automatically be scheduled before the full commission for an enforcement action when the respondent:
(a) Was found in violation during a previous reporting period;
(b) The violation remains in effect following any appeals; and
(c) The person has not file the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.”

Staff Recommendations:

- Staff recommends the Commission find that the Respondent violated RCW 42.17A.700 by failing to timely file an F-1 report for calendar year 2021, and:
- Assess the Respondent a civil penalty for a second occasion of a violation where the report was not filed before the date of the hearing per WAC 390-37-182 to be made payable within 30 days of the date of the Order. The base penalty range for this fact pattern is \$1,000 - \$2,000; and
- Order the Respondent to file the F-1 report covering calendar year 2021 within 30 days of the date of the Order.