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

9 In Re: The Matter of Enforcement Action
10 Against:

PDC CASE NO. 110550

FINAL ORDER

11 RAY WARDENAAR,
12 Respondent.
13 _____

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15 This matter was heard in person by the Washington State Public Disclosure Commission
16 (Commission) on September 22, 2022, and by telephonic and online streaming access.
17 Respondent Ray Wardenaar was provided notice on September 12, 2022, of the hearing date.
18 The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37
19 WAC.

20 Commissioners present in person were Fred Jarrett, Commission Chair (presiding);
21 Nancy Isserlis, Commission Vice-Chair; and Commissioners William Downing, Allen Hayward,
22 and Jocelyn Cooney. Also present in person, telephonically, or online were Assistant Attorney
23 General John S. Meader representing the Commission, Assistant Attorney General Chad
24 Standifer representing PDC Staff, and Tabatha Blacksmith, PDC Compliance Coordinator.
25 Notice was provided to the Respondent and he did not appear on his own behalf. The proceeding
26 was open to the public as limited by Governor's Proclamation 20-25 *et seq.* and recorded.

1 The Commissioners had before them the following materials:

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- 3 1. Case memorandum dated September 22, 2022, prepared by Tabatha Blacksmith, PDC
- 4 Compliance Coordinator;
- 5 2. Hearing Notice, mailed and dated September 12, 2022;
- 6 3. Initial Order for prior violation, PDC Case 94179, entered August 12, 2021;
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8 **I. FINDINGS OF FACT**

9 The matter involves Respondent Ray Wardenaar, a former Fire Commissioner for Grant

10 County Fire Protection District 10. The Respondent served from January 1, 2018 to December

11 31, 2021. Respondent is alleged to have violated RCW 42.17A.700 for failure to timely file a

12 Personal Financial Affairs Statement (F-1 Report) with the Public Disclosure Commission no

13 later than April 15, 2022, disclosing financial information for the calendar year 2021. The

14 Respondent has one prior violation of RCW 42.17A.700 with the PDC.

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- 16 1. In March and April of 2022, PDC staff sent email reminders to all elected and
- 17 appointed officials regarding their missing F-1 reports for calendar year 2021.
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- 19 2. On May 11, 2022, PDC staff emailed the Respondent a warning notice regarding
- 20 the missing F-1 report.
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- 22 3. On September 12, 2022, PDC Staff served the Respondent by email and mail with
- 23 a hearing notice for a September 22, 2022, Enforcement Hearing, along with
- 24 instructions on how to participate in the hearing remotely, before the full Public
- 25 Disclosure Commission concerning his failure to file the F-1 report.
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2 4. As of the date of the hearing the Respondent has not filed the missing F-1 report
3 covering calendar year 2021 that was due no later than April 15, 2022.
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5 5. The past due F-1 Report for 2020 has not been filed as of the date of this hearing.
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7 6. There is one prior case for violation of RCW 42.17A.700:
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- 10 • PDC Case 94179. At a July 15, 2021 Brief Enforcement Hearing,
11 Respondent was found in violation of RCW 42.17A.700 for failing
12 to file the F-1 report for calendar year 2020, which was due not
13 later than April 15, 2021. A total civil penalty of \$250 was
14 assessed in accordance with the penalty schedule adopted by the
15 Commission that was in effect at that time. As of September 22,
16 2022, the Respondent has not filed the required F-1 report but has
17 paid the civil penalty.
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19 II. CONCLUSIONS OF LAW

20 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
21 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05
22 RCW, the Administrative Procedure Act; and Title 390 WAC.
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2. Pursuant to RCW 42.17A.700, an elected or appointed official who held office in 2021 was required to file an F-1 Report, disclosing financial information for calendar year 2021 no later than April 15, 2022.

III. ORDER

This Order will be the Final Order. After consideration of the mitigating and aggravating factors, the Findings of Fact, and the Conclusions of Law, the Commission assesses a civil penalty of \$1,000 for the late filed calendar year 2021 F-1 report with \$500 suspended on the following conditions:

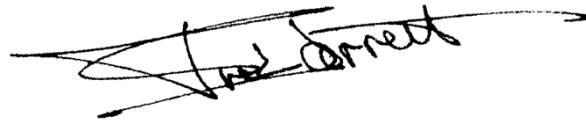
1.
 - a. The non-suspended portion (\$500) of the \$1,000 civil penalty for failure to file the F-1 report for calendar year 2021 in violation of RCW 42.17A.700 is paid by the Respondent within 30 days of the date of this Final Order.
 - b. The missing F-1 reports for calendar years 2020 and 2021 are filed within 30 days of the date of this Final Order.
 - c. 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 meet the conditions in Section III(1) of this order within 30 days of the date of this order, the suspended portion of the penalty for calendar year 2021 shall immediately become due and the matter may be sent to collection or brought to Superior Court as allowed by law without further action by the Commission.

SO ORDERED this 13th day of October 2022.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:



Fred Jarrett,
Chair, Public Disclosure Commission

This order sent by email to:

Ray Wardenaar, Respondent
ray@sunrayfarms.net

Tabatha Blacksmith,
PDC Compliance Coordinator
tabatha.blacksmith@pdc.wa.gov

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

Electronically signed Tabatha Blacksmith
Signed

Oct. 13, 2022
Date

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2 **NOTICE: RECONSIDERATION**

3 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
4 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
5 you. Any Request for reconsideration must state the specific grounds for the relief requested.
6 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,
7 711 Capitol Way, Room 206, Box 40908, Olympia WA 98504-0908.

8 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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