



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@pdc.wa.gov • Website: www.pdc.wa.gov

September 29, 2022

Theo Leonard
911 Forest Service Rd., 4517
Cle Elum, WA 98922

Also delivered electronically to tleonardgcs@outlook.com and tleonard@granitecivil.com

PDC Case Number 110572

AMENDED ENFORCEMENT HEARING NOTICE

Respondent:	Theo Leonard, Former Commissioner for Kittitas County Parks and Recreation District No. 1
Hearing/meeting date:	Thursday, October 27, 2022
Time:	11:00 a.m.
Place:	Public Disclosure Commission Evergreen Plaza Building, Room 206 711 Capitol Way Olympia, WA 98504
Presiding Officer:	The Public Disclosure Commission
Authority:	RCW 42.17A and WAC 390

In accordance with RCW 42.17A.110 and RCW 42.17A.755, the Public Disclosure Commission (PDC) will hold an enforcement hearing concerning the allegation that you violated RCW 42.17A.700 by failing to file the required Personal Financial Affairs Statement (F-1 report) with the PDC that was due to be filed by April 15, 2022, disclosing personal financial information for the portion of 2021 you served as a commissioner with the Kittitas County Parks and Recreation District No. 1. Staff will provide you with a Notice of Administrative Charges no later than October 17, 2022.

The Commission is scheduled to hold a hearing to determine if the violation occurred, and, if necessary, assess a penalty. The Commission may also determine if it wishes to accept a Stipulation (informal settlement) by the parties as to facts, violations and/or penalties, if such a Stipulation is proposed by the parties. See [WAC 390-37-090](http://www.wa.gov/wac/390-37-090). The Commission also has the authority to assess a civil penalty in accordance with [WAC 390-37-182](http://www.wa.gov/wac/390-37-182), the Enforcement Hearing penalty schedule adopted by the Commission (see enclosed copy).

If you do not plan to be present at the hearing, you may submit evidence in your own behalf or in mitigation no later than 1:00 p.m. on Wednesday, October 19, 2022 for review by Commission members. You may do so by writing to the Chair, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, or by email at pdc@pdc.wa.gov. If you submit such evidence by postal mail, please also submit it by email.

The Public Disclosure Commission recommends that respondents personally appear whenever possible. PDC staff or its legal counsel will present this matter to the Commission.

If you have questions regarding this matter, please contact me at (360) 664-8853 or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,

Electronically Signed Philip E. Stutzman

Philip E. Stutzman
Compliance Officer

c: Susie F. Giles-Klein, Assistant Attorney General, Representing PDC Staff

PARTICIPATING VIA MICROSOFT TEAMS

The Enforcement Hearing will be audio and video recorded. The Commissioners and PDC staff will join the meeting in-person or remotely via Microsoft Teams videoconferencing platform.

Anyone wishing to participate in the hearing remotely must follow the instructions below and join the meeting on a computer or mobile app **promptly at 11:00 a.m. on Thursday, October 27, 2022**. Please remain in the meeting until the Presiding Officer calls your name and case number.

Please note that you must stay muted at all times except while your case is being heard.

Join on your computer or mobile app:

<https://tinyurl.com/v382tdzk>

If you are unable to use Microsoft Teams or experience technical difficulties, please call the PDC's main number 360-753-1111 to obtain information regarding alternate participation by telephone.

INTERPRETER

If a party or witness to this proceeding speaks limited English or is hearing-impaired, and needs an interpreter, a qualified interpreter will be appointed at no cost to you. Please inform us at least five business days before the hearing, or no later than **Thursday, October 20, 2022**, if you require an interpreter for this proceeding and/or translation of its written materials in a language other than English. Please contact us by email at pdcc@pdc.wa.gov or call us at (360) 753-1111 or 877-601-2828 to request an interpreter.

SUBMITTING WRITTEN MATERIALS AND EXHIBITS

In advance of the Enforcement Hearing, you may provide a written response describing the facts of your case for consideration by the Commission, including any circumstances or mitigating factors you would like considered, along with supporting exhibits. Please submit your written response so it is received by no later than **1:00 p.m. on Wednesday, October 19, 2022**.

SUBMITTING F-1 REPORT

You are encouraged to complete and submit your F-1 report online prior to the Enforcement Hearing so it is **received by the PDC** no later than **Thursday, October 20, 2022**.

The F-1 report covering the portion of 2021 Theo Leonard served as a Commissioner that was due by April 15, 2022 must be filed electronically. Online F-1 Instructions are enclosed.

If you have any questions about the hearing process prior to the hearing date, please contact PDC Staff by email at pdcc@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

Enclosures

- F-1 Report Instructions
- PDC Penalty Schedule

How to file your Personal Financial Affairs Statement with the PDC

<https://www.pdc.wa.gov/registration-reporting/personal-financial-affairs-disclosure/how-use-f-1-filing-system-step-step>

Electronic filing of financial affairs disclosure (F-1) statements is designed to simplify filing and to help filers know what to report.

See our video at www.youtube.com/watch?v=avzfNldYuv8 for a brief overview of the system and its features. You can also watch our training videos for step-by-step instruction:

For new filers www.youtube.com/watch?v=IBdcj0XxEFm

For returning filers www.youtube.com/watch?v=KG8dJgOJzIw

Appointed and elected officials required to submit Personal Financial Affairs (F-1) disclosures will use the online system to submit their statements.

Here is how to get access to the system:

1. Set up a SAW account

To get started, you'll need a Secure Access Washington (SAW) account, if you don't already have one. <https://secureaccess.wa.gov/myAccess/saw/select.do> This PDC video offers a guide to establishing a SAW account:

Establishing a SAW account www.youtube.com/watch?v=LdaoxXeEfNQ

In setting up a new SAW account, you might want to use an email that you have established already with the PDC. That will be the easiest way to get linked to your F-1 information.

2. Go to the new system

Once you have a SAW account, log into it, and go to the F-1 filing system by either using the "Add a Service" tool in the SAW system or by going using this link:

Financial Affairs online reporting system <https://apollo.pdc.wa.gov/>
Please note that the system is not compatible with Internet Explorer.

If you don't see your name in the upper right-hand corner of the application, you can request access by clicking on "New filer." Enter the email you last used to file a F-1 with the PDC. You should receive an email with a one-time security code that you will need to use to access your reports.

If the email address you've used previously for PDC filings is one you no longer can access, contact the PDC customer service staff at pdc@pdc.wa.gov to report the new email address that you'll use for PDC reporting. Then, return to the application and request access.

3. Start filing

Once you've established access, you will see the landing page of the new filing application. You can click the button labeled "Prior" to see your past F-1 statements. Or, if you're ready to begin filing, click the "Start" button. If you have previously filed a F-1 report in this system, you should be able to import your information.

4. Find help

Questions about what to report? The application itself includes pop-up windows (marked with a ? icon) and a FAQ (see the Help? link in the upper right-hand corner) that leads you to instructions on our website. Our full F-1 reporting manual also is available at www.pdc.wa.gov/registration-reporting/personal-financial-affairs-disclosure/completing-f-1

If you don't see the answer to your question, contact us at pdc@pdc.wa.gov

*State law requires use of electronic filing when a system is available. Filers can request a hardship exemption to electronic filing based on lack of technological ability. Hardship exemption requests can be emailed to pdc@pdc.wa.gov

Penalty Schedule [[WAC 390-37-182](#)]:

Penalty factors (full adjudicatory proceedings).

(1) In assessing a penalty after a full adjudicatory proceeding, the commission considers the purposes of chapter [42.17A](#) RCW, including the public's right to know of the financing of political campaigns, lobbying and the financial affairs of elected officials and candidates as declared in the policy of RCW [42.17A.001](#); and, promoting compliance with the law. The commission also considers and applies RCW [42.17A.755](#) and may consider any of the additional factors described in subsection (3) of this section.

(2) Under RCW [42.17A.755](#), the commission:

- (a) May waive a penalty for a first-time violation;
- (b) Must assess a penalty for a second violation by the same person or individual, regardless if the person or individual committed the violation for a different political committee;
- (c) Must assess successively increased penalties for succeeding violations pursuant to the following schedule:

Violations:			
Respondent failed to file or timely file an accurate or complete: (1) Statement of Financial Affairs (F-1 Report) / (2) Candidate Registration / (C-1 Report) / (3) Lobbyist Monthly Expense Report (L-2 Report) / (4) Lobbyist Employer Annual Report (L-3 Report) and (5) Local Treasurer's Annual Report (T-1 Report).			
	1st Occasion	2nd Occasion	3rd Occasion
Filed missing report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Report is filed late and is incomplete or inaccurate.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,000 - \$3,000

[Excerpt above]

(3) In addition to the requirements of RCW [42.17A.755](#), the commission may consider the nature of the violation and any relevant circumstances, including the following factors:

- (a) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;
- (b) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period, or otherwise had a significant or material impact on the public;
- (c) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization;
- (d) Amount of financial activity by the respondent during the statement period or election cycle;
- (e) Whether the noncompliance resulted from a knowing or intentional effort to conceal, deceive or mislead, or violate the law or rule, or from collusive behavior;
- (f) Whether the late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;
- (g) Whether the respondent or any person, including an entity or organization, benefited politically or economically from the noncompliance;
- (h) Personal emergency or illness of the respondent or member of his or her immediate family;
- (i) Other emergencies such as fire, flood, or utility failure preventing filing;
- (j) PDC staff or equipment error, including technical problems at the PDC preventing or delaying electronic filing;
- (k) The respondent's demonstrated good-faith uncertainty concerning staff guidance or instructions;

(l) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention (e.g., filing missing reports, amending incomplete or inaccurate reports, returning prohibited or overlimit contributions);

(m) Whether the respondent is a first-time filer;

(n) Good faith efforts to comply, including consultation with PDC staff prior to initiation of enforcement action and cooperation with PDC staff during enforcement action, and a demonstrated wish to acknowledge and take responsibility for the violation;

(o) Penalties imposed in factually similar cases; and

(p) Other factors relevant to a particular case.

(4) The commission may consider the factors in subsections (1) through (3) of this section in determining whether to suspend a portion or all of a penalty upon identified conditions, and whether to accept, reject, or modify a stipulated penalty amount recommended by the parties.

(5) Notwithstanding the above schedule, the commission may assess a penalty of up to ten thousand dollars per violation, or a greater amount if agreed to by the parties, pursuant to RCW 42.17A.755, based on the aggravating factors set forth in subsections (1) through (3) of this section.

(6) The penalty schedule for brief enforcement proceedings is provided under WAC 390-37-143.

[Statutory Authority: RCW 42.17A.110(1), 2019 c 428, and 2019 c 261. WSR 20-02-062, § 390-37-182, filed 12/24/19, effective 1/24/20. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-37-182, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1). WSR 16-01-015, § 390-37-182, filed 12/4/15, effective 1/4/16. Statutory Authority: RCW 42.17A.110, 42.17A.755. WSR 13-05-014, § 390-37-182, filed 2/7/13, effective 3/10/13.]