

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

In Re: The Matter of Enforcement Action
Against:

PDC CASE NO. 110572

FINAL ORDER

THEO M. LEONARD,

Respondent.

This matter was heard by the Washington State Public Disclosure Commission (Commission) on October 27, 2022, by in person, telephonic, and online streaming access. Respondent Theo Leonard was provided a Notice of Administrative Charges on October 13, 2022. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present in person or online were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis, Commission Vice-Chair; and Commissioners William Downing and Allen Hayward. Also present in person, telephonically, or online were Assistant Attorney General John S. Meader representing the Commission, Assistant Attorney General Susie Giles-Klein representing PDC Staff, and Sean Flynn and Kim Bradford PDC General Counsel and Deputy Director, respectively. The Respondent appeared on his own behalf. The proceeding 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:

- 2 1. Notice of Administrative Charges dated October 13, 2022;
- 3 2. Pre-hearing brief from PDC staff prepared by Assistant Attorney General Susie Giles-
- 4 Klein and dated October 19, 2022;
- 5 3. PDC Staff Witness and Exhibit List dated October 19, 2022, including Exhibits 1-8:
 - 6 o Oath of Office for Position #4 dated May 26, 2021, and received by the
 - 7 Kittitas County Auditor June 7, 2021;
 - 8 o Emails between the Respondent, Kittitas County Parks and Recreation
 - 9 District No. 1 (KPRD) Commissioner Keegan Fengler, and Coordinator
 - 10 Nicky Pasi regarding the Towns to Teanaway Project dated April 28-29,
 - 11 2021;
 - 12 o Email from the Respondent to Commissioner Fengler regarding the
 - 13 Roslyn Ridge and Towns to Teanaway Project dated May 27, 2021;
 - 14 o Screenshot of KPRD Facebook page showing Commissioner Fengler's
 - 15 personal meeting notes for the Commission's June 30, 2021, meeting;
 - 16 o Commissioner Fengler's notes from the September 22, 2021, District
 - 17 meeting concerning Commissioner Leonard's resignation;
 - 18 o Transcript of Commissioner Fengler's interview with the PDC conducted
 - 19 on September 19, 2022;
 - 20 o Transcript of Kittitas County Auditor Jerry Pettit's interview conducted
 - 21 on September 21, 2022;
 - 22 o PDC Staff Report of Investigation dated October 13, 2022.
- 23 4. Respondent's comments added to a copy of staff's Notice of Administrative Charges
- 24 and Report of Investigation;
- 25 5. Undated Letter from Ira Astrachan, KPRD Secretary, to Fred Jarrett, Chair of the
- 26

Public Disclosure Commission.

I. FINDINGS OF FACT

The matter involves Respondent Theo Leonard, a former Commissioner for Kittitas County Parks and Recreation District No. 1, who was appointed April 28, 2021, signed an Oath of Office on May 26, 2021, and served until his resignation on September 22, 2021. Respondent is alleged to have violated RCW 42.17A.700 for failure to timely file a Personal Financial Affairs Statement (F-1 Report) with the Public Disclosure Commission no later than April 15, 2022, disclosing financial information for the calendar year 2021. Respondent has no prior violations.

1. On May 3, 2022, PDC staff sent an email reminder to the Respondent concerning his missing F-1 report for calendar year 2021 that was due no later than April 15, 2022.
2. On July 22, 2022, PDC Staff sent the Respondent a hearing notice for a September 1, 2022, Brief Enforcement Hearing, along with an offer to avoid the hearing by filing the missing report, acknowledging a violation for late filing, and paying a penalty of \$100 by August 22, 2022. The offer was rejected.
3. PDC staff interviewed Keegan Fengler, Commissioner, Kittitas County Parks and Recreation District No. 1, on September 19, 2022, and Jerry Pettit, Kittitas County Auditor, on September 21, 2022.
4. Due to the Respondent disputing the facts of the case, the matter was scheduled for a full hearing before the Commission on October 27, 2022, pursuant to WAC

390-37-140.

5. As of the date of the hearing the Respondent had not filed the missing F-1 report covering calendar year 2021 that was due no later than April 15, 2022.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.
2. Pursuant to RCW 42.17A.700(1), an elected or appointed official who served for any portion of the preceding year was required to file an F-1 Report, disclosing financial information for calendar year 2021, or for the portion of the year served, no later than April 15, 2022. Pursuant to RCW 42.17A.700(3), an appointed official is required to file an F-1 Report for the twelve months preceding the date of appointment.
3. The Respondent was appointed April 28, 2021 and served as a Kittitas County Parks and Recreation District 1 Commissioner from April 28, 2021 to September 22, 2021 and, as required by RCW 42.17A.700(1) and (3), was required to file an F-1 report for the period January 1, 2021 through September 22, 2021 by April 15, 2022. Respondent's service was shown by his signed oath of office, email correspondence using a District issued email account showing active engagement with other Commissioners, repeated participation in the issues of the District as a member of the Commission, a Commissioner's

1 personal commission meeting notes denoting the Respondent as a
2 Commissioner, and notes recording his resignation. "Service," as contemplated
3 by RCW 42.17A.700(1), is not solely dependent upon the form or legality of the
4 oath taken but may be shown by the length of time the official served and the
5 actions he performed during his time in public office.
6

7 **III. ORDER**

8

9 This Order will be the Final Order. After consideration of the mitigating and
10 aggravating factors, the Findings of Fact, and the Conclusions of Law, the Commission
11 assesses a civil penalty of \$600 for the late-filed 2021 F-1 Report with \$500 suspended on the
12 following conditions:
13

- 14 1. a. The non-suspended portion (\$100) of the \$600 civil penalty for
15 failure to file the F-1 report for 2021 in violation of RCW 42.17A.700 is
16 paid by the Respondent within 30 days of the date of this Final Order.
17
18 b. The missing F-1 report for 2021 is filed within 30 days of the
19 date of this Final Order.
20
21 c. The Respondent remains in full compliance with all PDC
22 reporting requirements and is not found to have committed any further
23 violations of Chapter 42.17A RCW or Title 390 WAC within four years
24 of the date of this Final Order. The suspended penalty shall not be
25 assessed based solely upon any remediable violation, minor violation, or
26

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 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.
3. Regardless of whether the Respondent meets the conditions in Section III(1), Respondent is required to file the missing F-1 report for 2021 within 30 days of the date of this Final Order.

SO ORDERED this 21st day of November 2022.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:

Fred Jarrett

Fred Jarrett (Nov 21, 2022 15:00 PST)

Fred Jarrett,
Chair, Public Disclosure Commission

This order sent by email to:

Theo Leonard, Respondent
tleonardgcs@outlook.com
tleonard@granitecivil.com
P.O. Box 381
Odessa, WA 99159-0381

Phil Stutzman, PDC Compliance Officer,
phil.stutzman@pdc.wa.gov

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

I, Philip Stutzman, certify that I mailed and emailed a copy of this order to the Respondent at his respective email and physical address.

Philip Stutzman

Nov 21, 2022

Signed

Date

1
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.
13
14
15
16
17
18
19
20
21
22
23
24
25
26