



**State of Washington**  
**PUBLIC DISCLOSURE COMMISSION**

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**Memorandum**

To: Public Disclosure Commission

From: Tabatha Blacksmith, Compliance Officer

Date: December 8, 2022

Subject: Kurt Shawn Merz Enforcement Hearing Memorandum: PDC Case 110582

**Allegations:**

Public Disclosure Commission (PDC) staff alleges that Kurt Shawn Merz, School Director for Wahkiakum School District 200, 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:**

- Kurt Shawn Merz (the “Respondent”) serves as School Director for the Wahkiakum School District 200. His current term began on January 1, 2019.
- Pursuant to RCW 42.17A.700, an elected or appointed official who held office in 2021 was required to file a Personal Financial Affairs Statement (F-1 report), disclosing personal financial information for calendar year 2021, no later than April 15, 2022.
- From March 10, 2022 through April 5, 2022, PDC staff emailed reminders to elected and appointed officials regarding their missing F-1 reports for calendar year 2021.
- On October 13, 2022, PDC staff served the Respondent, by email and mail, with a hearing notice for an October 27, 2022 Adjudicative Proceeding (Enforcement Hearing) before the full Public Disclosure Commission concerning the Respondent’s failure to file the F-1 report. The email was sent to the Respondent’s personal and official email addresses.
- At an October 27, 2022 full Enforcement Hearing, this matter was brought before the Commission. The Respondent, who participated in the hearing by telephone, indicated his belief that he had already filed the report. The Commission tabled this matter to allow the

Respondent additional time to file his missing F-1 reports for 2021 and 2019 and asked PDC staff to reschedule his enforcement hearing for a future Commission Meeting.

- On October 27, 2022, PDC staff reached the Respondent by telephone regarding his missing reports and sent a follow up email. After conducting additional research, PDC staff discovered that the Respondent had saved, but not submitted, a partially completed F-1 report for 2021; this appears to be the F-1 report the Respondent thought he had filed.
- Between October 27, 2022 and November 9, 2022, several attempts to assist the Respondent in filing his reports were made by PDC staff. In addition to the October 27, 2022 phone call and email (see above), Compliance staff sent the Respondent another email on November 9, 2022 and Filer Assistance staff left two voice mail messages and sent an email. None of the emails or messages were returned by the Respondent.
- On November 17, 2022, PDC staff served the Respondent, by email and mail, with a hearing notice for a December 8, 2022 Adjudicative Proceeding (Enforcement Hearing) before the full Public Disclosure Commission concerning the Respondent's failure to file the F-1 report. The email was sent to the Respondent's personal and official email addresses.
- As of November 30, 2022, the Respondent has not filed the F-1 report for calendar year 2021 that was due April 15, 2022.

### **Prior Violations:**

The Respondent has two prior violations of RCW 42. 17A.700 within the last five years:

#### **Violation (PDC Case 80221)**

- The Respondent, who served as School Director for Wahkiakum School District 200, failed to file an F-1 report for calendar year 2019, which was due no later than April 15, 2020.
- At a December 17, 2020 Brief Adjudicative Proceeding (Brief Enforcement Hearing), the Respondent was found in violation of RCW 42.17A.700 and assessed a \$250 penalty for failing to file an F-1 report for calendar year 2019 that was due no later than April 15, 2020.
- To date, the Respondent has not filed the F-1 report covering calendar year 2019 but has paid the \$250 civil penalty for PDC Case 80221.

#### **Violation (PDC Case 102540)**

- The Respondent, who served as School Director for Wahkiakum School District 200 in 2020 and was a candidate for the same office during election year 2021, failed to timely file an F-1 report for calendar year 2020, which was due no later than April 15, 2021.

- PDC Case 102540 was resolved via the Respondent's submission of 1) an F-1 report for calendar year 2020; and 2) a signed *Statement of Understanding*, acknowledging a violation of RCW 42.17A.700 for the late-filed report.

**Staff Recommendations:**

- Staff recommends the Commission find that the Respondent violated RCW 42.17A.700 for failing to file an F-1 report for calendar year 2021.
- Assess the Respondent a civil penalty for a third 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 \$2,000 - \$3,000.
- Require the Respondent to file the missing F-1 report covering calendar year 2021 within 30 days of the date of the Order.