



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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

December 21, 2022

Kurt Shawn Merz
93 Cross Dike Rd.
Cathlamet, WA 98612

And delivered electronically to kshawnmerz@gmail.com and smerz@wahksd.k12.wa.us

Subject: PDC Order, Case 110582

Dear Shawn Merz,

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

At the December 8, 2022 Enforcement hearing, the Commission assessed a total civil penalty of \$500 in accordance with WAC 390-37-182. The \$500 penalty is payable within 30 days of the date of this Order, which is **January 20, 2023**.

Please make the check or money order payable to "WA State Treasurer" and mail the payment to the following address:

Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdc@pdc.wa.gov

Sincerely,

Electronically Signed by Tabatha Blacksmith
PDC Staff

Enclosure: Final Order

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

In Re: The Matter of Enforcement Action
Against:

PDC CASE NO. 110582

FINAL ORDER

KURT S. MERZ,

Respondent.

This matter was heard by the Washington State Public Disclosure Commission (Commission) on December 8, 2022, by telephonic and online streaming access. Respondent Kurt S. Merz was provided notice on November 17, 2022 of the hearing date. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present online were Nancy Isserlis, Commission Vice-Chair (presiding); and Commissioners William Downing, Allen Hayward, and Jocelyn Cooney. Also present telephonically or online were Assistant Attorney General John S. Meader representing the Commission, Senior Assistant Attorney General Chad Standifer and Assistant Attorney General Susie Giles-Klein representing PDC Staff, and Tabatha Blacksmith, PDC Compliance Officer. Notice was provided to the Respondent and he did not appear on his own behalf. The Respondent verbally provided information prior to the hearing which PDC staff relayed to the Commission. The proceeding was open to the public and recorded.

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2 The Commissioners had before them the following materials:

- 3 1. Case memorandum dated December 8, 2022, prepared by Tabatha Blacksmith, PDC
4 Compliance Officer;
5 2. Hearing Notices, mailed and dated October 13, 2022, and November 17, 2022;
6 3. PDC Staff emails to Respondent dated October 27, 2022, and November 9, 2022;
7 4. Initial Order for prior violation, PDC Case 80221, entered January 11, 2021;
8 5. Signed Statement of Understanding, dated January 31, 2022.
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10 **I. FINDINGS OF FACT**

11 The matter involves Respondent Kurt S. Merz, a School Director for the Wahkiakum
12 School District 200. His current term began January 1, 2019. Respondent is alleged to have
13 violated RCW 42.17A.700 for failure to timely file a Personal Financial Affairs Statement (F-1
14 Report) with the Public Disclosure Commission no later than April 15, 2022, disclosing financial
15 information for the calendar year 2021.
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- 17 1. In March and April of 2022, PDC staff sent email reminders to all elected and
18 appointed officials regarding their missing F-1 reports for calendar year 2021.
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20 2. On October 13, 2022, PDC staff served the Respondent, by email and mail, with
21 a hearing notice for an October 27, 2022, Adjudicative Proceeding (Enforcement
22 hearing) before the full Public Disclosure Commission concerning Respondent's
23 failure to file the F-1 report. The email was sent to the Respondent's personal
24 and official email addresses.
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3. At the 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 continued the matter to allow the Respondent additional time to file his missing F-1 reports for 2019 and 2021 and asked PDC staff to continue his hearing to the following Commission meeting.
4. Between October 27, 2022, and November 9, 2022, several attempts to assist the Respondent in filing his reports were made by PDC staff. Compliance staff spoke to the Respondent by telephone on October 27, 2022 and sent him emails on October 27, 2022 and November 9, 2022. Filer Assistance staff left two voicemail messages and sent an email. None of the emails or messages were returned by the Respondent.
5. 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 continuing the previous month's hearing concerning the Respondent's failure to file the F-1 report. The email was sent to the Respondent's personal and official email addresses.
6. The Respondent filed the missing F-1 reports for 2019 and 2021 on December 7, 2022.
7. There are two prior cases for violation of RCW 42.17A.700:

- PDC Case 80221. The Respondent served as a School Director for Wahkiakum School District 200 in 2020 and failed to file an F-1 report for calendar year 2019 that 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 civil penalty in accordance with the penalty schedule in effect at the time. The \$250 penalty was paid but the report was not filed until December 7, 2022.
- PDC Case 102540. The Respondent served as School Director, and was a candidate for reelection for, Wahkiakum School District 200 in 2021 and failed to file a F-1 report for calendar year 2020, which was due no later than April 15, 2021. This case was resolved by the Respondent's submission of the missing F-1 report, payment of a reduced penalty, and a signed Statement of Understanding acknowledging a violation of RCW 42.17A.700.

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, 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.

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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 \$500 for the late filed calendar year 2021 F-1 Report.

1. The \$500 civil penalty due for failure to timely file the F-1 report for calendar year 2021 in violation of RCW 42.17A.700 shall be paid by the Respondent within 30 days of the date of this Final Order.

2. If the Respondent fails to pay the civil penalty within 30 days of the date of this order, 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 21st day of December 2022.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:

Electronically signed by Nancy Isserlis

Nancy Isserlis, Vice Chair (Presiding),
Public Disclosure Commission

This order sent by email to:

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

<u>Electronically signed Tabatha Blacksmith</u>	<u>Dec. 21, 2022</u>
Signed	Date

1 Kurt S. Merz, Respondent
2 kshawnmerz@gmail.com
3 smerz@wahksd.k12.wa.us

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

7 **NOTICE: RECONSIDERATION**

8 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
9 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
10 you. Any Request for reconsideration must state the specific grounds for the relief requested.
11 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,
12 711 Capitol Way, Room 206, Box 40908, Olympia WA 98504-0908.

13 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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