



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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July 19, 2023

Danny Walling
34817 NE 119th Ave
La Center, WA 98629

Also delivered electronically to daannywalling@gmail.com

Subject: F-1 Enforcement Hearing Notice; PDC Case Number 138111

Dear Danny Walling:

The Public Disclosure Commission (PDC) has not received your *Personal Financial Affairs Statement* (F-1 report) disclosing financial activities for calendar year 2022. RCW 42.17A.700 requires every elected or appointed official to file an F-1 report, which was to have been filed no later than April 17, 2023.

In accordance with RCW 42.17A.110 and RCW 42.17A.755, an Adjudicative Proceeding (Enforcement Hearing) has been scheduled to determine if you violated RCW 42.17A.700 by failing to file or timely file the required F-1 report disclosing financial information for calendar year 2022. Under the Brief Enforcement Hearing rules, the Presiding Officer has the authority to assess a civil penalty in accordance with WAC 390-37-182, a penalty schedule adopted by the Commission (see enclosed copy).

HEARING INFORMATION

Date and time:	Thursday, July 27, 2023 at 10:45 a.m.
Place:	Remotely from Olympia Live Audio and Online Transmission
Presiding Officer:	Nancy Isserlis, Chair, Public Disclosure Commission
Authority:	RCW 42.17A and WAC 390

PARTICIPATING IN THE HEARING VIA MICROSOFT TEAMS

The Enforcement Hearing will be audio and video recorded. The Commissioners and PDC Staff will attend in-person or remotely via Microsoft Teams videoconferencing platform.

- **PLEASE READ the entire instructions below *prior to the day of the hearing if you plan to participate via MS Teams.***

Please note that you may be prompted to download the MS Teams app or use a supported browser (Microsoft Edge or Google Chrome) for best performance.

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 10:30 a.m on Thursday, July 27, 2023.** Please remain in the meeting until the Presiding Officer calls your name and case number. After your case has been heard, you may leave or stay in the meeting.

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

Join on your computer or mobile app:

[Click here to join the meeting](#)

Meeting ID: 288 787 945 310

Passcode: FU2Sp2

If you are unable to use Teams or experience technical difficulties, please call the PDC's main number 1-360-753-1111 to obtain information regarding alternate participation by telephone. you.

If you choose to participate in the hearing remotely, please be aware that you may be waiting in the queue for a unknown period of time while cases are being heard and you may have a limited amount of time to speak. If a lengthier response time is needed, please consider submitting written participation materials prior to the hearing (see below).

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, July 20, 2023** 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 pdc@pdc.wa.gov or call us at (360) 753-1111 or 1-877-601-2828 to request an interpreter.

SUBMITTING WRITTEN MATERIALS

In advance of the Brief Enforcement Hearing, you may provide a written response describing the facts of your case for consideration by the Presiding Officer, including any circumstances or mitigating factors you would like considered. Please submit your written response so it is received by the PDC no later than **Thursday, July 20, 2023.**

SUBMITTING THE REPORT

You are strongly encouraged to complete and submit your F-1 report prior to the Enforcement Hearing so it is received by the PDC no later than **Thursday, July 20, 2023**. The report must be submitted electronically and online instructions are enclosed.

If you have any questions about the hearing process prior to the hearing date, please contact PDC Staff by email at pdc@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 or elected officials and candidates 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
Respondent failed to file or timely file accurate and complete campaign disclosure reports:			
Cash Receipts Monetary Contributions Report (C-3 Report)			
Filed missing C-3 Report or amended C-3 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to timely deposit monetary contributions within five business days of receipt.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to include employer and occupation information for contributors of more than \$100.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Campaign Summary Receipts and Expenditures Report (C-4 Report)			
Filed missing C-4 Report or amended C-4 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000

Failed to properly report the "purpose" of an expenditure under RCW 42.17A.240 (6) or 42.17A.255 (5)(b).	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly report expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to report a contractual contingent liability.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly dispose of surplus funds.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Failed to properly make campaign books of account available for public inspection as required immediately preceding the date of an election.	\$0 - \$1,500	\$1,500- \$2,500	\$2,500 - \$10,000
Independent Expenditure Report (C-6 Report)			
Filed missing C-6 Report or amended C-6 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Report is filed late and is incomplete or inaccurate.	\$0 - \$1,500	\$1,500 - \$2,500	\$2,500 - \$10,000
Out-of-State Political Committee Report (C-5 Report)			
Filed missing C-5 Report or amended C-5 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Last Minute Contribution Report (LMC report)			
Filed missing LMC report or amended LMC report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Exceeding contribution limits			
Refunded contributions after being notified of the complaint, over limit contributions were not significant, and respondent provided written explanation with mitigating circumstances.	\$0 - \$1,500	\$1,500 - \$2,500	\$2,500 - \$10,000
Other Alleged Violations:			
Exceeding mini reporting threshold			
Filed C-3 and C-4 Reports for full reporting after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Failure to file electronically			
Filed C-3 and C-4 Reports electronically after being notified about the complaint, and provided written explanation with mitigating circumstances.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000
Use of public facilities for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition			
Use of public facilities was incidental and isolated, and evidence was not submitted indicating that the use may have affected the outcome of the election.	\$0 - \$1,000	\$1,000 - \$2,000	\$2,500 - \$10,000

Failure to File Lobbyist Registration Report (L-1 Report)			
Filed missing L-1 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Failure to File Agency Lobbying Report (L-5 Report)			
Filed missing L-5 Report or amended L-5 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Grassroots Lobbying Report (L-6 Report)			
Filed missing L-6 Report or amended L-6 Report after being notified about the complaint and provided written explanation with mitigating circumstances.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Sponsor identification requirements for political advertising			
Political advertising failed to include any sponsor identification or included improper or misleading sponsor identification.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Party preference requirement for political advertising			
Political advertising failed to include a candidate's party preference.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Use of current picture requirement in political advertising			
Political advertising fails to include at least one picture of the candidate used in the advertising that was taken within the last five years, that is no smaller than any other picture of the same candidate used in the same advertisement.	\$0 - \$500	\$500 - \$1,000	\$1,000 - \$1,500
Political advertising or electioneering communication—Libel or defamation per se			
Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent.	\$0 - \$500	\$500 - \$1,500	\$1,500 - \$2,500
Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
Commercial advertisers—Public inspection of documents			
Commercial advertisers who after accepting or providing political advertising or electioneering communications during an election campaign fail to maintain records and books of account, or make such information available by the methods provided under WAC 390-18-050 .	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
Candidates and political committees—Public inspection of books of account			
Candidates or political committees who fail to accommodate requests for public inspections as required by WAC 390-16-043 .	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400
Limitations on employers or labor organizations			
Failed to maintain open for public inspection, during normal business hours, documents and books of accounts showing a copy of each	\$0 - \$600	\$600 - \$1,200	\$1,200 - \$2,400

employee's request for funds to be withheld for transfer to a political committee.			
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(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.]