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

9 In Re: The Matter of Enforcement Action
10 Against:

PDC CASE NO. 138111

FINAL ORDER

11 DANNY WALLING,
12 Respondent.
13 _____

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15 This matter was heard in-person and remotely by the Washington State Public Disclosure
16 Commission (Commission) on July 27, 2023, by in-person, telephonic, and online streaming
17 access. Respondent Danny Walling was provided notice on July 5, 2023, of the hearing date and
18 did not appear on his own behalf. The hearing was held in accordance with Chapters 34.05 and
19 42.17A RCW, and Chapter 390-37 WAC.

20 Commissioners present in-person were Nancy Isserlis, Commission Chair (presiding);
21 Allen Hayward, Commission Vice-Chair; and Commissioners Fred Jarrett, and J. Robert Leach.
22 Also present both in-person and online were Assistant Attorney General John S. Meader
23 representing the Commission, Senior Assistant Attorney General Chad Standifer and Assistant
24 Attorney General Susie Giles-Klein, representing PDC Staff, and Tanya Mercier, PDC
25 Compliance Officer. The proceeding was open to the public and recorded.
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1 The Commissioners had before them the following materials:

- 2 1. Case memorandum dated July 19, 2023, prepared by Tanya Mercier, PDC Compliance
3 Officer;
- 4 2. Enforcement Hearing Notice, dated July 5, 2023;
- 5 3. F-1 filing record as of July 14, 2023;
- 6 4. Penalty balance owing as of July 14, 2023;
- 7 5. Enforcement case history as of July 14, 2023;
- 8 6. WAC 390-37-182 penalty schedule.

9 10 **I. FINDINGS OF FACT**

11 The matter involves Respondent Danny Walling, a Fire Commissioner for Clark County
12 Fire Protection District 10. According to the District, the Respondent served from July 7, 2005,
13 until January 5, 2023, when he was absent for three consecutive days without acting and ceded
14 his position. Respondent is alleged to have violated RCW 42.17A.700 for failure to timely file
15 a Personal Financial Affairs Statement (F-1 Report) with the Public Disclosure Commission no
16 later than April 17, 2023, disclosing financial information for the calendar year 2022. The
17 Respondent has three prior violations within the last five years.

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19 1. In March and April, 2023, PDC staff emailed reminders to all elected and
20 appointed officials regarding their missing F-1 reports for calendar year 2022.
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- 22 2. On July 5, 2023, PDC Staff served the Respondent by email and mail with a
23 hearing notice for a July 27, 2023, Enforcement Hearing before the full Public
24 Disclosure Commission concerning his failure to file the F-1 report for calendar
25 year 2022.
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3 3. As of the date of the hearing the Respondent has not filed the missing F-1 report
4 covering calendar year 2022 that was due no later than April 17, 2023.

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6 4. There are three prior cases for violation of RCW 42.17A.700:

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- 8 • PDC Case 80285. At a December 17, 2020, Brief Enforcement
9 Hearing, Respondent was found in violation of RCW 42.17A.700
10 for failing to file the F-1 report for calendar year 2019, which was
11 due not later than April 15, 2020. A total civil penalty of \$1,000
12 was assessed in accordance with the penalty schedule adopted by
13 the Commission that was in effect at that time. The Respondent
14 has not filed the missing F-1 report and has not paid the civil
15 penalty and it has been sent for collection..
 - 16 • PDC Case 102995. At a March 24, 2022, Enforcement Hearing
17 before the full Commission, the Respondent was found in violation
18 of RCW 42.17A.700 for failing to file the F-1 report for calendar
19 year 2020, which was due not later than April 15, 2021. A total
20 civil penalty of \$2,000 was assessed in accordance with the penalty
21 schedule adopted by the Commission that was in effect at that
22 time. The Respondent has not filed the missing F-1 report and has
23 not paid the civil penalty.
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- PDC Case 109727. At a July 28, 2022, Enforcement Hearing before the full Commission, the Respondent was found in violation of RCW 42.17A.700 for failing to file the F-1 report for calendar year 2021, which was due not later than April 15, 2022. A total civil penalty of \$10,000 was assessed in accordance with the penalty schedule adopted by the Commission that was in effect at that time. The Respondent has not filed the missing F-1 report and has not paid the civil penalties.

5. There are two prior violations outside the statute of limitations. In PDC Case 16-069 for calendar year 2014 the Respondent was assessed a penalty of \$300. The F-1 has not been filed and the penalty has not been paid and is with collections. In PDC Case 22190 for calendar year 2016 the Respondent was assessed a penalty of \$1,000. The F-1 was filed but the penalty has not been paid and is with collections.

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 2022 was required to file an F-1 Report, disclosing financial information for calendar year 2022 no later than April 17, 2023.

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 \$10,000 for the late filed F-1 report with \$5,000 suspended on the following conditions:

1. a. The \$5,000 non-suspended portion of the civil penalty due for failure to timely file the F-1 report for calendar year 2022 in violation of RCW 42.17A.700 is paid by the Respondent within 30 days of the date of this Final Order.
- b. The past due civil penalties for failure to timely file the F-1 report for calendar years 2014, 2016, 2019, 2020, and 2021, in violation of RCW 42.17A.700, totaling \$14,300 plus collection fees are paid by the Respondent within 30 days of the date of this Final Order.
- c. The missing F-1 reports for calendar years 2014, 2019, 2020, 2021, and 2022, are filed within 30 days of the date of this Final Order.
- d. The Respondent remains in full compliance with all PDC reporting requirements and is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Final Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or 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 calendar year 2022 shall immediately become due without further action by the Commission and all past due penalties may be sent to collections or to Superior Court for enforcement.

SO ORDERED this 3rd day of August, 2023.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:

/s/ Electronically Signed
Nancy Isserlis, Commission Chair (presiding)
Public Disclosure Commission

This order sent by email to:

Danny Walling, Respondent,
daannywalling@gmail.com

Tanya Mercier,
PDC Compliance Officer,
tanja.mercier@pdc.wa.gov

I, Tanya Mercier, certify that I emailed a copy of this order to the Respondent at their respective email address.

/s/ Electronically Signed August 3, 2023
Tanya Mercier Date
Compliance Officer

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1 **NOTICE: RECONSIDERATION**

2 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
3 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
4 you. Any Request for reconsideration must state the specific grounds for the relief requested.
5 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,
6 711 Capitol Way, Room 206, Box 40908, Olympia WA 98504-0908.

7 **NOTICE: PETITION FOR JUDICIAL REVIEW**

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