



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: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

January 4, 2024

PDC CASE 144801

Sent Electronically to **Joshua Sutton** at joshuasutton1515@gmail.com

Joshua Sutton
8434 S COUPLES LN
CHENEY WA 99004

Brief Adjudicative Proceeding (Brief Enforcement Hearing) Notice

Respondent: **Joshua Sutton**
Hearing/meeting date: January 30, 2024
Time: 10:30 a.m.
Place: Remotely from Olympia
Live Audio and Online Transmission

Presiding Officer: **Nancy L. Isserlis, Chair**, of The Public Disclosure Commission
Authority: RCW 42.17A and WAC 390

On the above date, the Public Disclosure Commission will hold a Brief Adjudicative Proceeding (Brief Enforcement Hearing) in accordance with RCW 42.17A.110 and RCW 42.17A.755, concerning the allegation **Joshua Sutton** violated RCW 42.17A.235 and .240 for failure to timely and accurately file reports disclosing campaign contributions and expenditures.

Under the Brief Enforcement Hearing rules, the Presiding Officer has the authority to assess a civil penalty in accordance with WAC 390-37-143, a penalty schedule adopted by the Commission (see enclosed copy).

You are not required by law to personally attend. However, the PDC recommends that respondents personally appear whenever possible.

Respondent and Complainant Notice Rights:

In accordance with WAC 390-37-060(5), the respondent and complainant are being provided notice 10 days in advance of the hearing. In accordance with WAC 390-37-030, the complainant does not have special standing to intervene in the hearing but may be called as a witness at the discretion of PDC staff. The presiding officer has the discretion to allow comment by a person

other than the respondent during their consideration of the complaint. Any person who wishes to comment should notify staff at least three business days before the proceeding.

WAC 390-37-030 allows the complainant or any other person to submit documentary evidence and/or written factual or legal statements to the staff at any time up to and including the fifth calendar day before the date of any enforcement hearing or proceeding.

If there are materials you wish to have considered at the Brief Enforcement Hearing, you may attend the hearing in person, participate by telephone, remotely or submit written materials addressed to the Presiding Officer. Any written materials you choose to provide in advance of the Brief Enforcement Hearing should describe the facts of your case and any circumstances or mitigating factors you would like the Presiding Officer to consider.

Please submit your written response so it is received by no later than **5 p.m. January 24, 2024**.

If you plan on participating at the Brief Enforcement hearing or have questions about the hearing process, please contact PDC Staff by email at pdcc@pdc.wa.gov – and be sure to reference your case number **144801** in the subject line of the email.

Sincerely,

Alice Fiman
Compliance Officer
Toll free 1-877-601-2828



PARTICIPATING IN THE HEARING VIA MICROSOFT TEAMS

The Brief Enforcement Hearing will be audio and video recorded. The Presiding Officer and PDC Staff will attend 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. 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

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 an 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 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 **January 24, 2024**.

SUBMITTING THE REPORT

You are strongly encouraged to complete and submit the required report online prior to the Brief Enforcement Hearing so it is received by the PDC no later than **January 24, 2024**. The report must be submitted electronically.

If you have any questions about the hearing process prior to the hearing date, please contact PDC Staff by email at pdcc@pdc.wa.gov – and be sure to reference your case number in the subject line of the email.

Penalty Schedule [[WAC 390-37-143](#)]:

The Presiding Officer may assess a penalty up to one thousand dollars upon finding a violation of chapter [42.17A](#) RCW or Title 390 WAC.

(1) Base penalty amounts:

Violation	1st Occasion	2nd Occasion	3rd Occasion
Failure to timely file an accurate and complete statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150	\$150 - \$300	\$300 - \$600
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150	\$300	\$600
Failed to file report by date of enforcement hearing.	\$250	\$500	\$1,000
Candidate's failure to timely file an accurate and complete registration statement (C-1)/statement of financial affairs (F-1):			
Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding.	\$0 - \$150 per report	\$150 - \$300 per report	\$300 - \$600 per report up to \$1,000
Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.	\$150 per report	\$300 per report	\$600 per report up to \$1,000
Failed to file report by date of enforcement hearing.	\$250 per report	\$500 per report	consideration by full commission

[Excerpt above]

"Occasion" means established violation. Only violations in the last five years will be considered for the purpose of determining second and third occasions.

(2) In determining the appropriate penalty, the presiding officer may consider the nature of the violation and aggravating and mitigating factors, including:

(a) Whether the respondent is a first-time filer;

(b) The respondent's compliance history for the last five years, 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;

(c) The respondent's unpaid penalties from a previous enforcement action;

(d) 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;

(e) The amount of financial activity by the respondent during the statement period or election cycle;

(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) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention;

(h) 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;

(i) Personal emergency or illness of the respondent or member of his or her immediate family;

(j) Other emergencies such as fire, flood, or utility failure preventing filing;

(k) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization; and

(l) PDC staff, third-party vendor, or equipment error, including technical problems at the agency preventing or delaying electronic filing.

(3) The presiding officer has authority to suspend all or a portion of an assessed penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of the entry of the order in that case.

(4) If, on the third occasion, a respondent has outstanding penalties or judgments, the matter will be directed to the full commission for consideration.

(5) The presiding officer may direct a matter to the full commission if the officer believes one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission. Cases will automatically be scheduled before the full commission for an enforcement action when the respondent:

(a) Was found in violation during a previous reporting period;

(b) The violation remains in effect following any appeals; and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW [42.17A.110](#)(1) and 2018 c 304. WSR 18-24-074, § 390-37-143, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW [42.17A.110](#)(1) and [42.17A.570](#). WSR 18-10-088, § 390-37-143, filed 5/1/18, effective 6/1/18. Statutory Authority: RCW [42.17A.110](#). WSR 17-03-004, § 390-37-143, filed 1/4/17, effective 2/4/17.]

