



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.pdcca.wa.gov

Memorandum

To: Public Disclosure Commission

From: Alice Fiman, Compliance Officer

Date: January 30, 2024

Subject: Joshua Sutton Enforcement Hearing Memorandum: PDC Case 144801

Allegations:

PDC staff alleges Joshua Sutton, a candidate for Cheney School District, Pos. 2 in the 2023 election, violated RCW 42.17A.235 and .240 by failing to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign as required by campaigns registered under the “Full Reporting” option.

Background:

- Joshua Sutton was a first-time candidate for office in 2023, running for Cheney School District, Pos. 2 in the 2023 General Election. Sutton was not elected to the position, receiving 26.5 percent of the vote.
- On Aug. 18, 2023, Sutton was assessed a \$500 penalty for failing to file a C-1 and F-1 report. **[Exhibit 1]**
- Sutton filed an F-1 report on Oct. 5, 2023, but to date has failed to file a C-1 report.
- Sutton has not submitted any payments.
- On Nov. 3, 2023, PDC staff received a complaint filed by Conner Edwards alleging Joshua Sutton violated RCW 42.17A.235 and .240 by failing to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign as required by campaigns registered under the “Full Reporting” option. **[Exhibit 2]**

- PDC staff sent notice of the complaint to Sutton on Nov. 8, 2023, and requested a response by Nov. 22, 2023. **[Exhibit 3]**
- Staff contacted Sutton via email on Dec. 4, 2023, noting there were two separate complaints and staff were awaiting a response. No response was received. **[Exhibit 3]**
- On Jan. 4, 2024, PDC staff served Joshua Sutton by electronic mail, with a hearing notice for a Brief Adjudicative Proceeding to be held Jan. 30, 2024, concerning alleged violations of RCW 42.17A.235 and .240 for failure to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign as required by campaigns registered under the “Full Reporting” option. **[Exhibit 4]**
- On Jan. 5, 2024, Sutton contacted PDC staff via phone with questions about the complaints. Staff explained to Sutton he had been sent emails regarding his penalty and filing requirements. Staff also noted Sutton had filed the F-1, but there was no C-1 on file, and the penalty was still outstanding. Sutton requested filer assistance and the opportunity to submit comments for the upcoming hearing.
- On Jan. 5, 2024, filer assistance specialist Scott Haley contacted Sutton via email. There has been no response from Sutton to date. **[Exhibit 5]**

Laws & Rules:

RCW 42.17A.235 and **RCW 42.17A.240** require candidates to file timely, accurate reports of contributions and expenditures. Under the “Full Reporting” option, until five months before the general election, C-3 and C-4 reports are required monthly when contributions exceed \$200 since the last report; on the twenty-first day and the seventh day preceding the date of the primary and general election date; and on the tenth day of the first month after the primary and general election date.

Exhibit List:

- **Exhibit 1** – August 18, 2023, Commission order assessing a \$500 penalty for failing to file a C-1 and F-1 report.
- **Exhibit 2** – PDC Case 144801 Joshua Sutton Complaint received Nov. 3, 2023.
- **Exhibit 3** – Original Notice of Complaint sent electronically on Nov. 8, 2023, and Second Notice of Complaint sent electronically on Dec. 4, 2023.
- **Exhibit 4** – Brief Adjudicative Proceeding (Brief Enforcement Hearing) Notice dated Jan. 4, 2024.
- **Exhibit 5** – Communication between PDC Filer Assistance Specialist Scott Haley and Sutton.

Exhibit 1



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August 18, 2023

Joshua Sutton
8434 S Couples Ln
Cheney WA 99004

And delivered electronically to joshuasutton1515@gmail.com

Subject: PDC Order, Case 138680

Dear Joshua Sutton,

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

At the July 20, 2023, Brief Enforcement hearing, the Presiding Officer assessed a total civil penalty of \$500, of which \$300 is suspended, in accordance with WAC 390-37-143. The \$200 non-suspended penalty is payable within 30 days of the date of this Order, which is **September 18, 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

It is also ordered that you file the missing C-1 and F-1 Reports within 30 days of this order, which is **September 18, 2023**.

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

Sincerely,

Electronically Signed by Tabitha Townsend
PDC Staff

Enclosure: Initial Order



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A

PDC Case 138680

Joshua Sutton,

Respondent.

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to Joshua Sutton dated June 22, 2023, a brief adjudicative proceeding was held on July 20, 2023, remotely from Olympia, WA by live audio and online transmission, to consider whether the Respondent violated RCW 42.17A.205 by failing to file or timely file a Candidate Registration (C-1 report) and RCW 42.17A.700 by failing to file or timely file a Personal Financial Affairs Statement (F-1 report), disclosing personal financial information for the preceding twelve months, which were both due to be filed within two weeks of candidacy or no later than June 2, 2023.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Chapter 390-37 WAC. Commission Chair Nancy Isserlis was the Presiding. Commission staff was represented by Compliance Coordinator Ian Spencer, Jordan Campbell, and Tabitha Townsend. The Respondent did not participate in the hearing or submit any written material.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is or was a candidate for SCHOOL DIRECTOR of CHENEY SD 360 *.
2. As a candidate, the Respondent was required to file C-1 and F-1 reports by June 2, 2023.
3. The Respondent did not file the C-1 report by the date of the enforcement hearing.
4. The Respondent did not file the F-1 report by the date of the enforcement hearing.
5. The Respondent has no prior violations.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened, and all jurisdictional, substantive, and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.205 by failing to file the C-1 report by June 2, 2023.
3. The Respondent violated RCW 42.17A.700 by failing to file the F-1 report by June 2, 2023.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

1. **IT IS HEREBY ORDERED that the Respondent shall file the missing C-1 & F-1 reports within 30 days of the date of this Order and is assessed a total civil penalty of \$500, in accordance with the candidate C-1 & F-1 penalty schedule set forth in WAC 390-37-143.**
2. **It is further ordered that that \$300 of the \$500 penalty is suspended on the following conditions:**
 - a. **The Respondent does not commit any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this 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.**
 - b. **The Respondent pays the \$200 non-suspended civil penalty within 30 days of the date of this Order.**
 - c. **The Respondent files the missing C-1 report within 30 days of the date of this Order.**
 - d. **The Respondent files the missing F-1 report within 30 days of the date of this Order.**
3. **It is further ordered that, if the Respondent fails to comply with any of the above conditions:**
 - a. **The full \$500 penalty shall immediately become due without further action by the Commission and PDC Staff is directed to refer the matter to collections and/or commence other legal proceedings as authorized by RCW 42.17A and 390 WAC.**
 - b. **The missing C-1 report shall be due immediately.**
 - c. **The missing F-1 report shall be due immediately.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 18th day of August 2023.

Public Disclosure Commission

Electronically signed by Peter Frey Lavallee

Peter Frey Lavallee

Executive Director

I, Tabitha Townsend, certify that I emailed and mailed a copy of this order to the Respondent at their respective addresses of record on the date stated herein.

Electronically Signed Tabitha Townsend

Signed

August 18, 2023

Date

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request by email, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1).
- All requests for review must be submitted electronically to pdcc@pdcc.wa.gov

REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE THIS INITIAL ORDER WAS ELECTRONICALLY DISTRIBUTED TO YOU.

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the FINAL ORDER. *See* WAC 390-37-142(7).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542.

Exhibit 2

Respondent Name
Joshua Sutton
Complainant Name
Conner Edwards
Complaint Description
<p><u>Conner Edwards</u> reported via the portal (Fri, 3 Nov 2023 at 12:46 PM)</p> <p>Description of Complaint</p> <p>This candidate failed to timely file a Candidate Registration (C-1 report) within two weeks of becoming a candidate in election year 2023. At a bare minimum, (because this candidate did not indicate that they would be utilizing the mini-reporting option), they would be required to file the 21 and 7 day pre-election C4, regardless of the threshold of activity on their campaign. The above-mentioned respondent failed to meet this deadline.</p> <p>By any objective measure, it is unacceptable that the PDC would take no action to help bring this filer into compliance now that ballots are out to the voters. The PDC has an obligation to provide transparency to the voters by enforcing filing requirements. The agency's failure to actively monitor the filings of candidates and enforce filing requirements damages both the public and the candidates themselves.</p> <p>I have tried many different times to get the PDC to take action on this type of issue with no tangible results whatsoever. At one point, I believe the agency discussed the possibility of internally flagging non-filers in the PDC's system and proactively reaching out to them to bring them into compliance, but it appears this is not happening.</p> <p>Having exhausted all of my other options to pursue reform, the only remaining option available to me to compel the agency to take action here is to file PDC complaints against these noncompliant filers in an effort to force the agency to take action.</p> <p>By highlighting the agency's failure to meaningfully enforce current reporting deadlines, my hope is that the agency will look to improve its own enforcement procedures and help candidates and treasurers comply with the law.</p> <p>Notice to Respondents:</p> <p>I apologize to you for any inconvenience caused by this complaint; it is not my intention.</p> <p>No campaign treasurer or campaign/committee is perfect. Trying to comply with the myriad of requirements and deadlines the PDC enforces can be extremely difficult, even for those who have been doing this for years. The agency could adopt any number of strategies to help filers "get it right" when it comes to deadlines and other requirements. Some of these strategies might include: a) automated electronic filing reminders to a filer when they have missed a deadline, b) mandatory attendance in a PDC training course before a person is allowed to serve as treasurer, c) giving filers 48 hours to file 21- & 7-day pre-election reports as opposed to the 24 hours candidates currently get, and d) improvements to the ORCA online campaign finance filing system to improve useability.</p> <p>In my opinion, the agency has failed to provide many filers with the knowledge and tools that they need to file reports on time and be compliant.</p> <p>If you are confused by the filing requirements that the agency enforces or are experiencing technical difficulties and/or usability issues with the ORCA system, please be sure to indicate this in your response to the PDC: your comments will provide valuable feedback for the agency.</p>
What impact does the alleged violation(s) have on the public?
Because this candidate has not timely filed their required reports, members of the public are unable to view up to date financial information, significantly reducing transparency available to voters.

The PDC has an obligation to provide transparency to the voters by enforcing filing requirements. The agency's failure to actively monitor the filings of candidates and enforce filing requirements damages both the public and the candidates themselves.

It is imperative that PDC staff reach out to this candidate immediately to bring them into compliance before the 2023 general election is concluded.

List of attached evidence or contact information where evidence may be found

PDC Website. This candidate has previously been fined by the PDC: <https://www.pdc.wa.gov/rules-enforcement/enforcement/enforcement-cases/138680>

List of potential witnesses with contact information to reach them

See respondent contact info on PDC website.

Certification (Complainant)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

Exhibit 3

2/6

Please review the attached complaint and provide your response by **Nov. 22**.

If you determine there is a need to file or amend reports as part of this case, you may review our guides and instructions at the website (<https://www.pdc.wa.gov/registration-reporting>).

If further assistance filing or amending reports beyond the guides and videos is needed, please reply to this message with a request to be assigned a Filer Assistance Specialist so that you receive timely and coordinated guidance.

For more information about the enforcement process, please see our Enforcement Guide.

If you have any questions, please reply to this email.

Thank you,

PDC staff
360.753.1111

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Washington State law established email as the PDC's official means of communication as of June 7th, 2018 (RCW 42.17A.055). Filers have a duty to amend their reports within 10 days of any material changes, such as new email addresses. Please ensure your email address is up to date.

To respond, please reply to this email.

Washington Public Disclosure Commission
<http://www.pdc.wa.gov>
1.360.753.1111

by **Kim Bradford** on **Thu, 30 Nov, 2023 at 3:17 PM** as **Private note**
C-1 (and F-1) case: <https://wapdc.freshdesk.com/a/tickets/138680>

by **Alice Fiman** on **Mon, 4 Dec, 2023 at 3:02 PM** as **Outbound email**
Joshua Sutton,

Good afternoon,

As of today, I am not able to find a response to the complaint filed with the PDC. The initial response was due Nov. 22. I have attached the original complaint for your review.

In addition, I note there is no F-1 (personal financial disclosure) or C-1 candidate registration on file for your School Board campaign. All candidates are required to register the campaign and file financial disclosure, expenditure and contribution reports. The original complaint (138680) was due to this lack of F-1 and C-1 (registration). You should have received an invoice noting the penalty that was assessed due to the missing F-1 and C-1.

This new complaint (144801) is regarding a lack of expenditure and contribution reports (C-3s and C-4s).

Without a response from you, I will be moving forward with the investigation based on the information I have today. As there are no reports showing in our system, this could lead to additional penalties.

I look forward to your response by Dec. 11. Please respond by replying to this email.

If you have any questions, please call me at the number listed below. Our filer assistance staff is also available to assist you with filing the missing reports. They can be reached toll free at 877-601-2828.

Thank you,

Alice Fiman
PDC Compliance Officer
360-586-2814

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Washington State law established email as the PDC's official means of communication as of June 7th, 2018 (RCW 42.17A.055). Filers have a duty to amend their reports within 10 days of any material changes, such as new email addresses. Please ensure your email address is up to date.

To respond, please reply to this email.

Washington Public Disclosure Commission
<http://www.pdc.wa.gov>
1.360.753.1111

by **Alice Fiman** on **Thu, 4 Jan at 12:25 PM** as **Outbound email**

January 4, 2024

PDC CASE 144801

Sent Electronically to Joshua Sutton at joshuasutton1515@gmail.com

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.

Please see the attached document for more information and how to participate in the Brief Adjudicative Proceeding

To respond, please reply to this email.

Thank you,
Alice Fiman
Compliance Officer
toll free 877-601-2828

--

Washington State law established email as the PDC's official means of communication as of June 7th, 2018 (RCW 42.17A.055). Filers have a duty to amend their reports within 10 days of any material changes, such as new email addresses. Please ensure your email address is up to date.

To respond, please reply to this email.

Washington Public Disclosure Commission
<http://www.pdc.wa.gov>
1.360.753.1111

by **Devin Moncada** on **Fri, 5 Jan at 11:26 AM** as **Private note**

Spoke with Joshua over the phone regarding email notice received; explained general requirements and answered general questions. Transferred call to Alice to see about next steps.

by **Alice Fiman** on **Fri, 5 Jan at 12:46 PM** as **Private note**

From: +1 509-844-5969 <+15098445969>
Sent: Friday, January 5, 2024 11:26 AM
To: Fiman, Alice (PDC) <alice.fiman@pdc.wa.gov>
Subject: Voice Mail (24 seconds)

External Email

Good morning, Alice. My name is Joshua Sutton. My phone number is 509-844-5969. Was your name was passed on to me, someone I need to talk to in compliance. If you can give me a call back at your convenience, 509-844-5969. I look forward to your call. Thank you. Bye, bye.
You received a voice mail from +15098445969.

by **Alice Fiman** on **Fri, 5 Jan at 1:13 PM** as **Private note**

Could you assign a filer assistance specialist for Mr. Sutton? I spoke with him today and he needs help. For some reason he filed his F-1 but not a C-1. that is a strange combo for sure. He says he had it confused with filing to run for office. (see case 138680 for group enforcement). He also needs to file one C-4 - he mostly likely should have been mini but that opportunity is no longer. He said he didn't spend any money - but there was likely a filing fee (possible) and he said if there was anything he paid it himself.

So he needs to file a C-1 and then one report with any expenditures as in-kinds from the candidate most likely.

I am out of the office next week and I told him a filer specialist would reach out probably next week.

I also told him to read the hearing notice closely and document anything he wants the presiding officer to know.

He said he can be reached at 509-844-5969 and joshuasutton1515@gmail.com

thanks - I am here today until 2 p.m. and then back on Jan. 16.

Alice

by **Kendra Hodgson** on **Fri, 5 Jan at 1:37 PM** as **Private note**

Scott,

In a separate FA ticket please reach out for the assistance requested.

Thank-you, Kendra

by **Scott Haley** on **Fri, 5 Jan at 4:22 PM** as **Private note**

Hi Alice,

I sent an email to Joshua Sutton asking him to file his C1 and C4 reports for his 2023 election campaign, and offering to help with that. That's ticket #146855.

--Scott

Exhibit 4



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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.]

Exhibit 5

provides sufficient information about an alleged violation that is within the PDC's legal authority, it w	Created by API - Ignore	Unfounded or Frivolous	Telephone number
false	Presentation topic	Who will be in the audience?	Is the meeting an open public meeting forum?
	Approximate audience size	Preferred date(s) for presentation	Presentation format
			What else can you tell us about your topic choice and the reason you are requesting it?

to **Joshua Sutton** on **Fri, 5 Jan at 4:21 PM** via **Outbound Email**

I'd like to assist you with your reports to the Public Disclosure Commission

Joshua Sutton,

I'm a filer assistance specialist with the Public Disclosure Commission. I'm available to help you to file the reports that are required for your 2023 campaign for school director. Please file a candidate registration, since you were a candidate for office. The form is called a C-1 candidate registration. You may click this link to get to that online form. Please fill out that form for your 2023 campaign. Instructions on how to fill out that form are here. After you fill out and submit that form, please submit C-4 reports to report any money that you spent for your election campaign. If you spent money out of your own pocket for your election campaign, please report that as in-kind contributions by you to your own campaign. Instructions on how to file C-4 reports are here. If you have questions or need help, please reply to this message or call me at (360) 586-8637.

Thank you,

--Scott Haley

Filer Assistance Specialist
