

What is a brief enforcement hearing?

The brief enforcement hearing is used to adjudicate cases when the charges are relatively minor and the facts are not in dispute. The maximum penalty that may be assessed is \$1,000.

The Chair of the Public Disclosure Commission, or another Commissioner, presides over the hearing instead of the full Commission. A Commission staff member typically presents the case. Respondents are encouraged to appear and participate in the hearing. Appearing in person is best, but when that is not possible the presiding officer will accommodate telephone participation or accept a written statement.

What can I do to avoid the hearing?

Depending on the enclosed letter, you may avoid the hearing by filing the missing report(s), paying the stated penalty, and/or completing a Statement of Understanding stipulating to a violation.

If you would like to stipulate and have questions, please contact the staff person mentioned in the letter.

How do I prepare for the hearing?

Brief hearings are informal in nature. An attorney is not necessary. Most people represent themselves.

Can I appear in person?

Yes. If you want to submit information for the Presiding Officer to consider when making a decision, you can email it to PDC staff at least five business days before the hearing or bring three copies when you attend the hearing.

If you are having other people, (witnesses) testify they must also be available for the hearing at the scheduled time and place. The scheduled starting time is an estimate.

Can I participate by telephone?

Yes. Please tell the PDC staff five business days before the hearing that you will participate by telephone. Provide an accurate telephone number. You must be available at the designated time of the hearing. The hearing time is an estimate. The Presiding Officer calls cases and establishes the timeline for the hearing. All participants must wait their turn.

Can I participate in writing?

Yes. Submit statements at least 24 hours before the hearing starts.

What happens during the hearing?

The Presiding Officer introduces the participants and explains the procedures of the hearing. Hearings typically follow set formats and time limits. The PDC process is informal with most people effectively presenting their cases on their own.

PDC staff provides background information about the case. Then you may have an opportunity to present your side. Everyone takes an oath before providing testimony. The Presiding Officer might ask some questions about the information presented. The Presiding Officer also considers written information during the hearing.

The Presiding Officer adjourns the hearing if the case might have penalties above \$1,000, so that it can be heard by the full commission. Only the full commission is able to assess penalties above \$1,000.

What happens if I don't appear or submit a statement in writing?

The hearing will proceed as scheduled. If you want to participate and cannot because of a scheduling conflict, tell the staff as early as possible. It is possible that the hearing could be continued.

Who makes the decision?

The Presiding Officer makes decisions based on the information presented. Using penalty schedules from the related WACs the Presiding Officer determines an appropriate penalty amount. The Presiding Officer announces penalty amounts for the initial order. Mailing of the initial orders happens within 10 days.

In some cases, the Presiding Officer may use a different penalty schedule, based on PDC Rules, to determine the appropriate penalty.

What happens after the hearing?

Within two weeks you will receive an initial order, along with a cover letter explaining the Presiding Officer's findings. The penalty check is made payable to the Washington State Treasurer, usually within thirty days.

Along with your initial order, you will also receive information about your appeal rights. This happens with a request for review by the full Commission.

Follow these procedures carefully if you wish to appeal. If there is no appeal before the Full Commission, the initial order becomes a final order. Superior Court handles any further appeals.

Whom can I contact at the PDC if I have other questions?

The hearing notice you received tells you the name of the specific staff person you should contact.

Mailing address: P. O. Box 40908, Olympia, WA 98504-0908

Telephone number: (360) 753-1111 or toll free 1-877-601-2828

Fax number: (360) 753-1112

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