



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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

TO: Commission Members

FROM: Kurt Young, Compliance Officer

DATE: September 17, 2013

RE: Request for Review/Reconsideration from **Bonnie Decius: PDC Case No. 13-244**

Agenda Item

Bonnie Decius is seeking a review by the Commission of an initial order entered in a Brief Enforcement Hearing in PDC Case No. 13-244. The review is scheduled for the September 26, 2013, Commission meeting.

Background

Ms. Decius is a first-time candidate seeking the office of Water and Sewer Commissioner for Beacon Hill Sewer District in 2013. Ms. Decius was required to file a Personal Financial Affairs Statement (F-1 report) within two weeks of declaring her candidacy in 2013, or no later than May 31, 2013, disclosing her financial activities for the previous 12 months.

A Brief Enforcement Hearing was held on August 1, 2013, at which the Presiding Officer found Ms. Decius in violation of RCW 42.17A.700 for failing to timely file an F-1 report within two weeks of declaring her candidacy in 2013. Ms. Decius was assessed a civil penalty of \$100 in accordance with the penalty schedule set forth in WAC 390-37-165, that is payable within 30 days of the date of the order. On July 22, 2013, Ms. Decius filed the missing F-1 report. The initial Order was entered August 13, 2013

Request for Review/Reconsideration

After receiving the initial Order, Ms. Decius contacted PDC staff and left a voice message requesting a review¹ of the penalty assessed. On September 17, 2013, she submitted an email requesting a review of the penalty assessed, and stating she was a first-time candidate who was not familiar with the election process and the PDC filing requirements for the F-1 report. She stated that the position as Water and Sewer Commissioner is unpaid, and she is not fund raising or receiving contributions or conducting much of a campaign.

¹ Based on WAC 390-37-144, since Ms. Decius's request could not be heard within 20 business days, the initial order becomes a final order, and his request is automatically treated as a request for reconsideration of a final order (rather than a review of an initial order).

Ms. Decius stated that she spent was out of state for more than three weeks in June and July of 2013. She stated that she initially attempted to file the F-1 report, and set up an account online and created a candidate email account, but she did not have time to complete the steps, and exited the application. She stated she is not the most computer savvy person, and that on the last day to file, she attempted to access the F-1 report she created, but she could not get the email or password to work, so she was unable to log into the account.

Ms. Decius stated that she was finally able to figure it out and she created a new account, transmitted her F-1 report, and submitted the signature authorization form and password, and her F-1 report was released on July 22, 2013.

Staff Response

Staff reviewed the F-1 electronic filing application and discovered that on July 19, 2013, Ms. Decius created her F-1 account and saved an F-1 report electronically. She submitted the F-1 signature authorization form and password on July 22, 2013, and her account was activated that day and her pending F-1 report was released.

Attachments:

- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 13-244)
- September 17, 2013 email from Ms. Decius.



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711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
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August 13, 2013

Bonnie Decius
176 Alpha Drive
Longview, WA 98632

Subject: PDC Case No. 13-244

Dear Ms. Decius:

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

The Presiding Officer assessed a civil penalty of \$100 in accordance with the penalty schedule set forth in WAC 390-37-165. Payment is due within 30 days and your check or money order should be payable to the **WA State Treasurer**. Please mail the penalty payment to the Public Disclosure Commission. Thank you for your attention to this matter.

If you have questions, please contact me at (360) 664-8854; toll free at (877) 601-2828 or by email at kurt.young@pdcc.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Kurt Young".

Kurt Young
Compliance Officer

Enclosure



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Bonnie Decius
176 Alpha Drive
Longview WA 98632

In Re Compliance with RCW 42.17A

Bonnie Decius

Respondent.

PDC Case No. 13-244

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

A brief enforcement hearing (brief adjudicative proceeding) was held August 1, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) covering the 12 months preceding the date the Respondent became a candidate for election in 2013.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Bonnie Decius on July 18, 2013. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate at the hearing or submit any written materials.

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

FINDINGS OF FACT

1. The Respondent is a candidate for Sewer Commissioner in the Beacon Hill Sewer District in 2013.
2. As a candidate, the Respondent was required to file an F-1 report within two weeks of the date the Respondent filed a declaration of candidacy, or no later than May 31, 2013.
3. The Respondent filed the missing F-1 report on July 22, 2013, prior to the date of the hearing.
4. 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.700 by failing to timely file the F-1 report, which was due to be filed no later than May 31, 2013.

ORDER

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

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$100 in accordance with the penalty schedule set forth in WAC 390-37-165, that is payable within 30 days of the date of this order.

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

Entered this 13 day of August, 2013.

Public Disclosure Commission

Andrea M. Doyle
Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jawb Berkay, certify that I mailed a copy of this order to the Respondent(s) at his/her/its respective address, postage pre-paid, on the date stated herein.

Signed

Jawb Berkay

Date

8/13/13

Kurt Young

From: Bonnie Decius [electbonnie2013@gmail.com]
Sent: Tuesday, September 17, 2013 9:19 AM
To: Kurt Young
Subject: Re: FW: Possible request for review: PDC Case No. 13-244

Public Disclosure Commission

September ,17,2013

CC : Kurt Young

I am writing today to discuss my case, # 13-244

I am running for Beacon Hill Sewer and Water commissioner. I am a first time candidate and I am unfamiliar with the process. I was unaware I needed to file with the commission because it is an unpaid position. I do not plan on fund raising and I do not plan on getting donations from the public. It's just not that sort of big campaign.

I am not the most computer savvy person and when I went to your web page to register online I created a candidate email and tried using that to fill out the forms I needed to. I created my account on your web page and believe I got into the wrong form or category of candidate because I was unsure of what sort of candidate I was. While filling out the form I was being asked questions that seemed way outside the scope of questions you would need to ask or information you would want to know for a non paid small position as sewer commissioner. This was the last day to file.

I could not figure out how to get back to where I needed to be to find the right form and I had to get to work so I logged out and planned to figure it out later.

When I sat down to try and figure out how to get to the right area I needed to be to finish registering I was unable to log into the cite. I couldn't seem to get an email/password to work.

Ultimately, I had to create a new candidate email and re register with the commission. I was finally able to figure it out, and get registered on July 22 nd.

This was not intentional on my part , I did try to register in time.

I probably should have tried to register sooner but was very busy earlier this summer. I work a lot of hours and I am in Law School . In June I spent 2 weeks on the east coast visiting my ailing father and then 10 days in California taking law school exams.

When I got home I was playing catch up with everything and that is why I was registering last minute.

A day or 2 later I received a letter from the PDC saying that I had not registered and had to have a hearing to access a fine, the letter was dated July 18, the deadline to file was July 17, I dismissed the letter after looking

at the date thinking that it was just sent before I registered and that because I registered I was OK. I also thought you had the ability to look and see when I initially tried to register (created the first account I cannot access) and would see I tried before the deadline. If I had realized I was going to get a fine I would have called, emailed, or showed at the hearing.

As soon as I got a letter saying I owed \$100 dollars I called and left a voice mail stating my issues and concerns.

Yesterday, September 16, 2013 Kurt Young called me as he was unable to email me because of the faulty email I entered initially when trying to register. I am following up from the phone conversation with this letter , my statement of facts.

I would like to be present by phone for the hearing if possible.

Thank You ,

Bonnie Decius

1 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
2 **OF THE STATE OF WASHINGTON**

3 IN RE THE MATTER OF ENFORCEMENT
4 ACTION AGAINST

5 Bonnie Decius

6 Respondent.

PDC CASE NO. 13-244

AMENDED FINAL ORDER

(Order On Reconsideration and
Amending Penalty)

7
8
9 This matter came before the Washington State Public Disclosure Commission on
10 September 26, 2013 at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol
11 Way, Olympia, Washington. The Respondent, Bonnie Decius, requested a reconsideration¹ of
12 the prior order issued following a brief enforcement hearing (brief adjudicative proceeding) in
13 this matter. The matter was held in accordance with Chapters 34.05 and 42.17A RCW and
14 Chapter 390-37 WAC.

15 Those present included Amit Ranade, Commission Chair; Grant Degginger,
16 Commission Vice-Chair; and Kathy Turner, Member. Also present were Kurt Young, PDC
17 Compliance Officer on behalf of the PDC Staff; PDC Executive Director Andrea McNamara
18 Doyle; Nancy Krier, General Counsel for the Commission; and PDC staff member Nancy
19 Coverdale as recorder/reporter of the proceedings. The Respondent, Bonnie Decius,
20 represented herself and participated by telephone. The proceeding was open to the public and
21 recorded.

22
23
24 ¹Respondent's request for a review could not be heard within 20 business days. Therefore, under WAC
25 390-37-144 the initial order became a final order and the request was automatically treated as a request
26 for reconsideration of a final order. For ease of reference, the initial order will be referred to as the
"prior order."

I. PROCEDURAL HISTORY

1 The matter involved the allegation that Respondent violated RCW 42.17A.700 by
2 failing to timely file a Personal Financial Affairs Statement (F-1 report) as a candidate for
3 Water and Sewer Commissioner for the Beacon Hill Sewer District.
4

5 A brief hearing was held on August 1, 2013. The Respondent did not participate. An
6 initial order was entered August 13, 2013, making Findings of Fact, Conclusions of Law and
7 assessing a \$100 civil penalty for the violation found in that hearing. The order became final.

8 By telephone and then by email dated September 17, 2013, the Respondent requested
9 the Commission reconsider that order ("prior order").

10 Following consideration of the prior order, the Respondent's request for
11 reconsideration, Mr. Young's September 17, 2013 memorandum and his testimony, and the
12 Respondent's testimony, the Commission voted unanimously to amend the prior order and
13 reduce the penalty as follows:

14 II. AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 15 1. The Commission adopts the Findings of Fact in the prior order (attached).
- 16 2. The Commission makes the following additional findings:
 - 17 a. The Respondent is as a first-time candidate and she was not familiar with the
18 election process and the PDC filing requirements for the F-1 report.
 - 19 b. The Water and Sewer Commissioner position she is seeking is unpaid and she is
20 not fund raising or receiving contributions or conducting much of a campaign.
 - 21 c. The Respondent initially set up a candidate email account, an F-1 account using
22 the PDC F-1 electronic filing application, and attempted to file the F-1 report.
23 She admitted to not being computer savvy, so she did not have the time to file
24 her F-1 report electronically, and exited the system prior to completing her
25 online filing.
26

1 d. The Respondent was out of state for more than three weeks to attend to a family
2 matter and take an exam.

3 e. On the last day to file prior to this matter proceeding to a brief hearing,
4 Respondent attempted to access the F-1 report she had previously created, but
5 she was unable to log into her F-1 account and could not get either the candidate
6 email account or her password to work.

7 f. Therefore, the Respondent created a new F-1 account, transmitted her F-1 report
8 electronically on July 19, 2003, and mailed in the signature authorization form
9 and password. At that point, she thought she had successfully filed. For that
10 same reason, she did not participate in the brief hearing.

11 g. However, Respondent's F-1 report was not released (filed) until July 22, 2013,
12 when her signature card was received and her account was activated.

13 3. The Commission adopts the Conclusions of Law in the prior order.

14 4. The Commission finds that it is appropriate to reduce the penalty under the
15 circumstances of this case, and will amend the prior order.

16 **III. AMENDED ORDER**

17 The prior order entered August 13, 2013 is amended and the Respondent is assessed a
18 civil penalty of \$50, payable within 30 days of the date of this Amended Final Order.

19 The Executive Director is authorized to enter this order on behalf of the Commission.

20 So ORDERED this 5th day of November, 2013.

21 WASHINGTON STATE PUBLIC
22 DISCLOSURE COMMISSION

23 FOR THE COMMISSION:

24 *Andrea M. Doyle*
25 ANDREA MCNAMARA DOYLE
26 Executive Director

1 ATTACHMENTS

(1) Prior Order

2 (2) Appeals and Enforcement of Final Orders

3
4 Copy of this order to:

5 Bonnie Decius

176 Alpha Drive

6 Longview, WA 98632

7 I, Jacob Berkley certify that I mailed a copy of this order to the Respondent
8 at Respondent's respective address, postage prepaid, on the date stated herein.

9 Jacob Berkley
10 Signature

11 11/5/13
12 Date