



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, 2015

RE: Request for Review/Reconsideration from Michael Tate: PDC Case No. 16-065

Agenda Item

Michael Tate is seeking a review¹ by the Commission of an initial order entered in a Brief Enforcement Hearing in PDC Case No. 16-065. The review/reconsideration is scheduled for the September 24, 2015, Commission meeting.

Background

- Mr. Tate is a Board Member/Commissioner of the Commission on Judicial Conduct, since being appointed to that position in 2013.
- As an incumbent Board Member/Commissioner, Mr. Tate was required to file a Personal Financial Affairs Statement (F-1 report) for calendar year 2014 no later than April 15, 2015.
- A Brief Enforcement Hearing was held on July 30, 2015, at which the Presiding Officer found Mr. Tate in violation of RCW 42.17A.700 for failing to file an F-1 report for calendar year 2014, and he was assessed a civil penalty of \$150 in accordance with the F-1 penalty schedule in WAC 390-37-160, payable within 30 days of the date of the order.
- Mr. Tate has no prior PDC violations.
- The initial Order was entered August 17, 2015.

Request for Review/Reconsideration

- On August 19, 2015, after receiving the Brief Enforcement Order, Mr. Tate contacted PDC staff by telephone concerning the violation and penalty assessed against him, and that he was not aware of the missing F-1 report until he received the Order from the Brief Enforcement hearing.

¹ Based on WAC 390-37-144, since Mr. Tate'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).

- Mr. Tate stated that he did not receive PDC staff's warning letter and hearing notice.
- Mr. Tate stated he retired from Washington State University in October of 2014, and that the post office box listed on the F-1 warning letter and hearing notice that were sent to him, were sent to his Washington State University post office box.
- Mr. Tate stated that box was closed after he retired, and the F-1 warning letter and hearing notices were not forwarded to him.
- On August 21, 2015, Mr. Tate filed an F-1A report (Short Form) for calendar year 2014.
- On August 24, 2015, PDC staff received a letter from Mr. Tate confirming the information from the August 19, 2015 telephone conversation.
- Staff reviewed Mr. Tate's 2015 F-1 Warning letter and F-1 Brief Enforcement Hearing notice, and confirmed that the mailing address was his former Washington State University post office box "PO Box 641061" in Pullman.
- Mr. Tate requested the Commission review the violation and \$150 penalty assessed against him in this matter, and vacate the Order.

Staff Recommendation

Staff recommends that the Commission vacate the Findings of Fact, Conclusions of Law, and the Order Imposing a Fine in PDC Case No. 16-065 for Michael Tate.

Attachments:

- Letter from Michael Tate.
- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 16-065)
- PDC Brief Enforcement Hearing Notice for Michael Tate.

RECEIVED

AUG 24 2015

DATE FILED PDC

AUG 21 2015

August 21, 2015

Public Disclosure Commission
State of Washington

711 Capitol Way, Room 206

P.O. Box 40908

Olympia, WA 98504-0908

Attention: Mr. Kurt Young, Compliance Officer, PDC

Public Disclosure Commission

Subject: PDC Case No. 16-065

To Whom This Concerns:

On August 19, 2015, I received a copy of the Public Disclosure Commission's Order Imposing Fine which is assessing a civil penalty of \$150.00 in regards to not submitting the Personal Financial Affairs Statement (F-1) by April 15, 2015. To this date, I have not received any correspondence, email or communication about submitting the F-1 report on the due date. Also, I did not receive a notice about the enforcement hearing held on July 30, 2015. The only communication about this matter that I received is the Public Disclosure Commission's Order Imposing Fine letter and enclosures, dated August 17, 2015, from Mr. Kurt Young, Compliance Officer.

I called Mr. Young on August 19, 2015 to inquire about this matter. He was not available so I left a voice message. Mr. Young returned my call on the morning of August 20, 2015. I learned from our conversation that the correspondence requesting the F-1 report and other subsequent correspondence were sent to the address on the F-1 report signed and submitted by me on July 15, 2013. This was my first submittal of the report after being appointed to the Commission on Judicial Conduct on July 8, 2013. The correct and current address is on the F-1 form which was signed and submitted on April 10, 2014. I retired on October 1, 2014 from Washington State University and thus, my address changed, however, my email is unchanged. The Commission on Judicial Conduct was informed of my address change in October 2014 and since then, all of their documents/correspondence have been received at the current address.

With these facts and circumstances, I quest that the Public Disclosure Commission review this case and terminate its order without a penalty and evidence of violation. Mr. Young sent me an email with the F-1A form after our phone conversation. I have enclosed this form completed and signed.

Thank you for your consideration of this matter.

Sincerely,



Michael J. Tate, Ph.D.

Alternate Public Member

Commission on Judicial Conduct

745 SE Meadow Vale Dr.

Pullman, WA 99163-2420

509-432-3375

mtate@wsu.edu

PAID FULL POC

RECEIVED

NOV 19 1994

NOV 19 1994

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SUBJECT: [Illegible]

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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.pdcc.wa.gov

August 17, 2015

Michael Tate
745 SE Meadow Vale Street
Pullman WA 99163-2420

Subject: PDC Case No. 16-065

Dear Mr. Tate:

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 \$150 for the missing Personal Financial Affairs Statement (F-1 report) in accordance with the penalty schedule set forth in WAC 390-37-160.

The \$150 penalty is payable within 30 days of the date of this order.

Please submit the \$150 penalty payment to the Public Disclosure Commission by September 16, 2015, and make the check or money order payable to the WA State Treasurer. Thank you for your prompt attention to this matter, and please file the missing F-1 report.

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,

Kurt Young
Compliance Officer

Enclosure



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Michael Tate
745 SE Meadow Vale Street
Pullman WA 99163-2420

In Re Compliance with RCW 42.17A

Michael Tate

Respondent.

PDC Case No. 16-065

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

A brief enforcement hearing (brief adjudicative proceeding) was held July 30, 2015, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) due April 15, 2015, disclosing financial information for calendar year 2014.

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 Michael Tate on July 1, 2015. Commission Chair Katrina Asay 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 was a State Board/Commission member for the Commission on Judicial Conduct in 2014.
2. As a State Board/Commission member, the Respondent was required to file an F-1 report no later than April 15, 2015.
3. The Respondent did not file the missing F-1 report by the date of the hearing.
4. The Respondent has no prior F-1 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 file the F-1 report by April 15, 2015.

ORDER

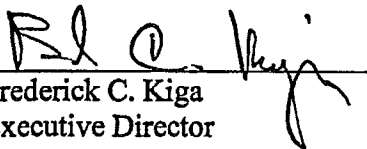
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$150 in accordance with the penalty schedule set forth in WAC 390-37-160, which is payable within 30 days of the date of the Order.

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

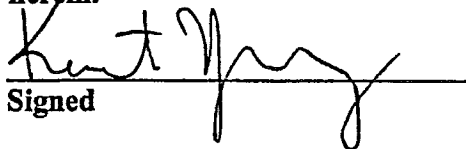
Entered this 17 day of August, 2015.

Public Disclosure Commission

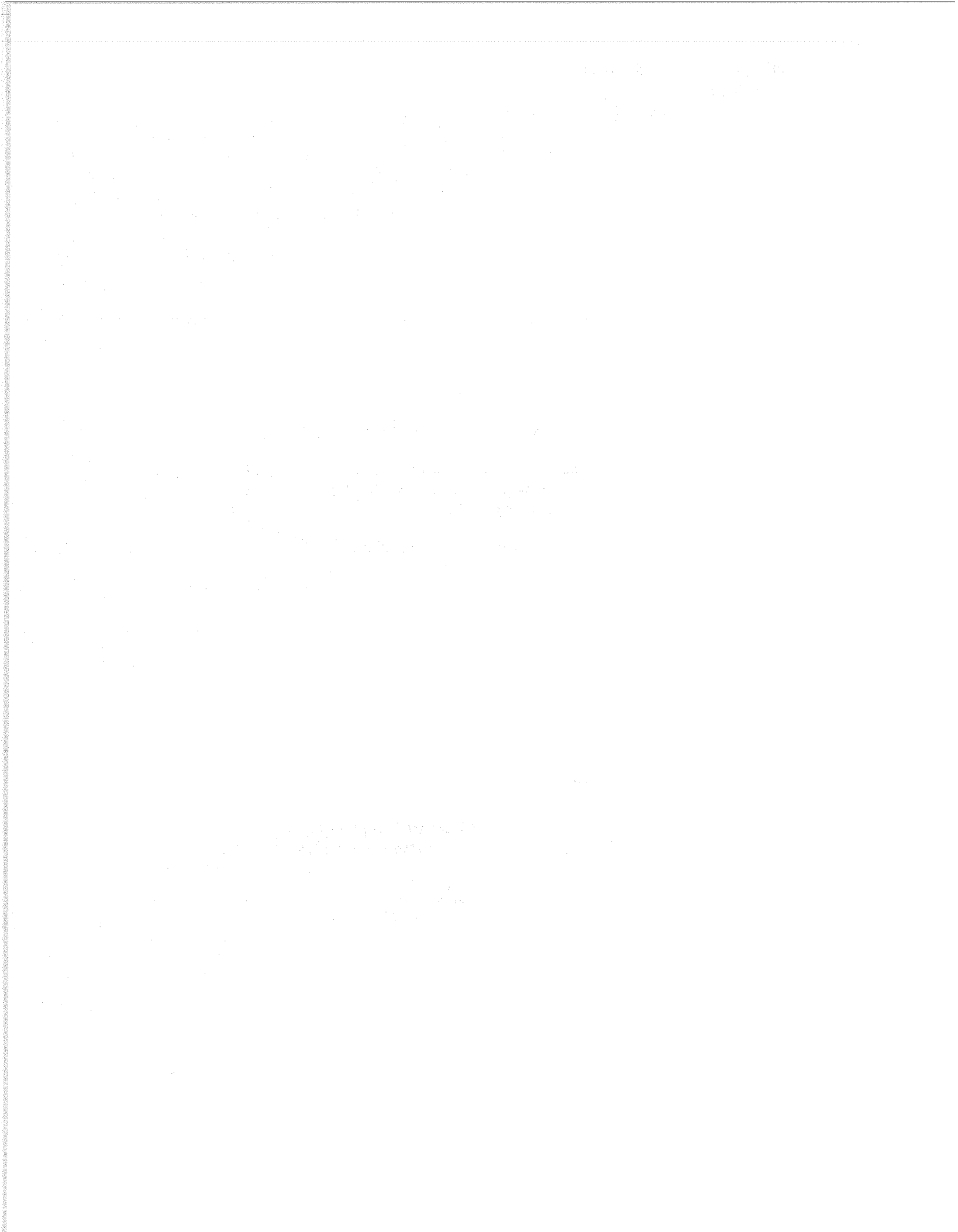

Frederick C. Kiga
Executive Director

Enclosure: Information about Appeal Rights

I, Kurt Young, 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

8/17/15
Date





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July 1, 2015

MICHAEL TATE
P.O. BOX 641061
PULLMAN WA 99164

Subject: F-1 Brief Enforcement Hearing Notice, PDC Case Number 16-065

Dear: Mr./Ms TATE.

Your annual Personal Financial Affairs Statement (F-1 Report) covering calendar year 2014 was not received by the Public Disclosure Commission (PDC).

PDC records indicate that you served as an elected or appointed official during calendar year 2014. State law requires officials in these positions to file an annual (F-1 report). The F-1 report discloses your financial activities for calendar year 2014, and was due to be filed by April 15, 2015.

PDC staff sent you a warning letter on May 8, 2015, with a blank F-1 report enclosed. The missing F-1 report was not filed by May 22, 2014 – the deadline provided in the Warning Letter.

Therefore, in accordance with RCW 42.17A.110 and RCW 42.17A.755, a Brief Enforcement Hearing has been scheduled. The hearing will determine if you violated RCW 42.17A.700 by failing to file the required F-1 report. Under the Brief Enforcement Hearing rules, the Presiding Officer has the authority to assess a penalty of up to \$500, in accordance with a penalty schedule adopted by the Commission.

HEARING INFORMATION

Date and time: **Thursday, July 30, 2015 at 11:00 a.m. (approximate time)**
Place: **Evergreen Plaza Building, Room 206
711 Capitol Way, Olympia, WA, 98504-0908**
Presiding Officer: **TBD Chair/Presiding Officer, Public Disclosure Commission**

HOW TO AVOID THE HEARING

Ensure that the following items are received by the Public Disclosure Commission by **12:00 p.m. Friday, July 24, 2015:**

1. A completed and signed F-1 Report (blank forms are available at www.pdc.wa.gov). Faxed or e-mailed F-1 reports will not be accepted;

Brief Enforcement Hearing Notice (Missing F-1 report for calendar year 2014)

PDC Case # 16-065

Page 2

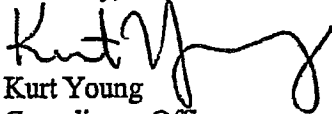
2. A signed Statement of Understanding (blank copy enclosed); and
3. A check or money order for \$100, made payable to "Washington State Treasurer."

I will be representing the Commission staff during the hearing. I am enclosing a Brief Enforcement Hearing brochure along with a copy of the F-1 penalty schedule.

If there are circumstances you wish to have considered at the hearing, you may attend the hearing in person, or participate by telephone. If you cannot participate during the hearing, you may provide a written response describing your circumstances for the Commission's consideration. Please submit your written response by **12:00 p.m. on Monday, July 27, 2015.**

If you plan on participating in the hearing or have questions about the hearing process, please contact Kurt Young at 360-664-8854, toll free at 877-601-2828, or by email at kurt.young@pdc.wa.gov.

Sincerely,



Kurt Young
Compliance Officer

Enclosures:

- Statement of Understanding
- F-1 Penalty Schedule
- Brief Enforcement Hearing Brochure