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

Memorandum

To: Public Disclosure Commission

From: Kurt Young, Compliance Officer

Date: October 15, 2015

Subject: October 22, 2015 Enforcement Hearing: Monte St Johns, PDC Case No. 16-060 and PDC Case No. 16-156

Allegations:

PDC staff is alleging that Monte St. Johns violated:

1. RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) as an incumbent School Director for the Dieringer School District, due not later than April 15, 2015 (PDC Case No. 16-060); and

2. RCW 42.17A.205 by failing to file a Candidate Registration (C-1 report) as a candidate for re-election to School Director in 2015, within two weeks of declaring his candidacy or not later than May 31, 2015 (PDC Case No. 16-156).

Background:

Mr. St. Johns was elected to the Dieringer School Board in 2013 as a first-time candidate. He filed both of his initial C-1 and F-1 reports late on October 3, 2013.

Mr. St. Johns has two prior violations for PDC Case No. 14-106 ($300), and PDC Case No. 13-148 ($300), and he failed to file an F-1 report for all of calendar year 2013 and calendar year 2014.

Mr. St. Johns is not eligible for a brief enforcement hearing under the provisions of WAC 390-37-165, since he failed to file the F-1 report that was the subject of a prior violation in PDC Case No. 14-106.

F-1 Reporting Requirements:

As an incumbent School Board member, Mr. St. Johns was required to file an F-1 report no later than April 15, 2015, disclosing personal financial information for calendar year 2014. As a candidate seeking re-election to School Board, Mr. St. Johns was required to file a C-1 report, due within two weeks of declaring his candidacy or not later than May 31, 2015.

Past Enforcement History: PDC Case No. 14-106:

- On July 8, 2014, at a Brief Enforcement hearing, Mr. St. Johns was found in violation of RCW 42.17A.700 as an incumbent School Board member for failing to file an F-1 report, which was due no later than April 15, 2014, disclosing personal financial information for calendar year 2013.

- Mr. St. Johns was assessed a $300 penalty.

- To date, Mr. St. Johns failed to pay the $300 outstanding penalty or file the missing F-1 report for calendar year 2013. The $300 outstanding penalty was sent to AllianceOne on June 2, 2015 for collection.

PDC Case No. 13-148

- On August 1, 2013, at a Brief Enforcement hearing, Mr. St. Johns was found in violation of RCW 42.17A.700 by failing to file an F-1 report, and RCW 42.17A.205 by failing to file a (C-1 report), as a candidate that was required to file both reports within two weeks of declaring his candidacy or not later than May 31, 2013.

- Mr. St. Johns was assessed a $300 penalty. Mr. St. Johns filed the missing C-1 and F-1 reports on October 3, 2013, but failed to pay the $300 outstanding penalty which was sent to AllianceOne for collections on May 16, 2014.

Staff Recommendation:

Staff recommends the Commission find that Monte St. Johns violated 42.17A.700 by failing to file an F-1 report for calendar year 2014, and RCW 42.17A.205 by failing to file a C-1 report as a candidate in 2015, and assess an appropriate penalty. Staff recommends a penalty of $500 for the F-1 violation, and $300 for the C-1 violation.

Attachments:

- July 1, 2015 Hearing notice for missing F-1 report (PDC Case No. 16-060); and July 24, 2015 Hearing notice for missing C-1 report (PDC Case No. 16-156)

- Order for Monte St. Johns in PDC Case No. 14-106.

- WAC 390-37-165: C-1/F-1 penalty schedule.

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July 1, 2015

MONTE ST JOHNS
2510 TACOMA POINT DRIVE EAST
LAKE TAPPS WA 98391

Subject: F-1 Brief Enforcement Hearing Notice, PDC Case Number 16-060

Dear: Mr./Ms ST JOHNS.

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;

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

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July 24, 2015

MONTE ST JOHNS
2510 TACOMA PT DR E
LAKE TAPPS WA 98391

Subject: PDC Hearing Notice, Missing Candidate Registration and Personal Financial Affairs Statement, Case Number 16-156

Dear: MONTE ST JOHNS,

As a candidate for the Office of **SCHOOL DIRECTOR** you are required to file a Candidate Registration (C1) report and a Personal Financial Affairs Statement (F1) with the Public Disclosure Commission. Revised Code of Washington (RCW) 42.17A.205(1) states "Every political committee shall file a statement of organization...within two weeks after organization." RCW 42.17.700(2) states, "Within two weeks of becoming a candidate, every candidate shall file with the commission a statement of financial affairs for the preceding twelve months."

On June 18, 2015, PDC staff sent you a warning letter and provided blank C-1 and F-1 reports. According to our records, these reports are still missing. In accordance with RCW 42.17A.110 and RCW 42.17A.755, a Brief Enforcement Hearing is being scheduled. The Presiding Officer has the authority to assess penalties of up to $500.

HEARING INFORMATION

Date and time:	**Thursday, August 13, 2015 at 9:30 a.m.** ***(approximate time)***
Place:	**Evergreen Plaza Building, Room 206** **711 Capitol Way, Olympia, WA, 98504-0908**
Presiding Officer:	**Katrina Asay, Chair, Public Disclosure Commission**

The hearing is open to the public and you may attend in person, participate by telephone, or submit a written response no later than 12:00 p.m. on Tuesday, August 4, 2015.

HOW TO AVOID THE HEARING

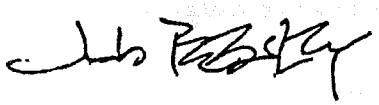
Postmark the following by no later than 12:00 p.m. Tuesday, August 4, 2015:

1. Completed C-1 and F-1 reports (blank forms are available at www.pdc.wa.gov);
2. A signed Statement of Understanding (enclosed); and
3. A check or money order for $100, for each missing report, made payable to "Washington State Treasurer."

Faxed or e-mailed reports will not be accepted.

If you plan to attend the hearing or have questions about the hearing process, please contact me at 360-586-4555 or by email at jacob.berkey@pdc.wa.gov.

Sincerely,



Jacob Berkey
Compliance Coordinator

Enclosures:

- Statement of Understanding
- Penalty Schedule

STATE OF WASHINGTON

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July 24, 2014

MONTE ST JOHNS
2510 TACOMA POINT DRIVE EAST
LAKE TAPPS WA 98391

Subject: PDC Case 14-106

Dear MONTE ST JOHNS:

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

Please review the attached Order. Penalties and other documents are generally due within 30 days. All penalty checks are payable to the Washington State Treasurer and mailed to the PDC office in Olympia.

If you have questions, please contact me at (360) 586-4555; toll free at (877) 601-2828 or by email at jacob.berkey@pdc.wa.gov.

Sincerely,

Jacob T Berkey
Compliance Officer

Enclosure

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Monte St Johns 2510 Tacoma Point Dr E Lake Tapps WA 98391 In Re Compliance with RCW 42.17A Monte St Johns Respondent.	PDC Case No. 14-106 Findings of Fact, Conclusions of Law, and **Order Imposing Fine**

A brief enforcement hearing (brief adjudicative proceeding) was held July 8, 2014, 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, 2014, disclosing financial information for calendar year 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 Monte St Johns on June 10, 2014. Commission Member Amit Ranade was the Presiding Officer. The Commission staff was represented by Jacob Berkey, Compliance Coordinator. The Respondent did not participate at the hearing.

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

FINDINGS OF FACT

1. The Respondent was an incumbent School Director for Dieringer School District 343 in 2013.

2. As a School director, the Respondent was required to file an F-1 report no later than April 15, 2014.

3. The Respondent did not file the missing F-1 report by the date of the hearing.

4. The Respondent has one prior violation, PDC Case No. 13-148.

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, 2014.

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 $300 in accordance with the penalty schedule set forth in WAC 390-37-160. The penalty is payable within 30 days of the date of this Order.

If the Respondent fails to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

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

Entered this 24 day of July, 2014.

Public Disclosure Commission

Andrea M. Doyle

Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Berkey, 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.

Jacob Berkey — 7/24/14

Signed — **Date**

WAC 390-37-165

Candidate registration statement (C-1)/candidate statement of financial affairs (F-1) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file F-1 and/or C-1 by date of enforcement hearing.	$150 per report	$300 per report, up to $500	Full commission consideration	Full commission consideration
Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount.	$100 per report	$200 per report	$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	$0 - $100 per report	$100 - $200 per report	$200 - $400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(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 **42.17.370**. WSR 05-04-038, § 390-37-165, filed 1/27/05, effective 2/27/05; WSR 03-22-065, § 390-37-165, filed 11/4/03, effective 12/5/03.]