



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](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

TO: Commission Members  
FROM: Phil Stutzman, Director of Compliance  
DATE: September 17, 2013  
RE: Request for Review from **Melony Pederson: PDC Case No. 13-297**

**Agenda Item**

Melony Pederson is seeking a review by the Commission of an initial order entered in a Brief Enforcement Hearing in PDC Case No. 13-297. The review is scheduled for the September 26, 2013, Commission meeting.

**Background**

Ms. Pederson is a first-time candidate seeking the office of City Councilmember in the City of Sumner in 2013. Ms. Pederson 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.

On July 22, 2013, Ms. Pederson filed the missing F-1 report. A Brief Enforcement Hearing was held on August 1, 2013, at which the Presiding Officer found Ms. Pederson 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. Pederson was assessed a civil penalty of \$150 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. The initial Order was entered August 14, 2013.

**Request for Review/Reconsideration**

On September 5, 2013, Ms. Pederson contacted PDC staff member Kurt Young, and discussed the penalty assessed against her. On September 17, 2013, she submitted an email formally requesting a review of the penalty assessed. In her email, she stated she initially interpreted the PDC chart on the website concerning the F-1 filing requirements as not requiring candidates in jurisdictions with over 5,000 registered voters to file an F-1 report. She stated that she confirmed with the Pierce County Auditor's office that the City of Sumner does in fact have over 5,000 registered voters, and so she incorrectly thought she did not have to file the F-1 report.

Ms. Pederson stated in her email that she received the initial Order via certified mail after she had been on an extended vacation notifying her of the \$100 penalty assessed against her. She stated she contacted PDC staff to address this misunderstanding, and requested that staff have this matter expunged from her record.

**Staff Response**

On September 5, 2013, during a telephone conversation between Ms. Pederson and Mr. Young, Ms. Pederson repeatedly referred to an agreement she had with a PDC staff member stating she was told there would be no penalty if the paperwork was received by Friday. Staff informed her repeatedly that her file was reviewed and the only agreement received by PDC staff was the signed Statement of Understanding (without the required penalty payment) received on July 23, 2013, along with her missing F-1 report.

Staff explained to Ms. Pederson on several occasions that because the \$100 penalty payment was not received with her Statement of Understanding, the Brief Enforcement hearing could not be cancelled by staff, and the hearing was held on August 1, 2013. Staff informed Ms. Pederson on several occasions that if she wanted the results of the Brief Enforcement Hearing overturned, she would need to request a review, which she did on September 17, 2013.

Attachments:

- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 13-297)
- September 16, 2013 email from Ms. Pederson.
- July 23, 2013, Statement of Understanding submitted by Ms. Pederson.
- September 5, 2013, telephone call sheet from PDC staff member Kurt Young.



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August 13, 2013

Melony Pederson  
418 Sumner Avenue  
Sumner WA 98390

Subject: PDC Case No. 13-297

Dear Ms. Pederson:

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](mailto: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

Melony Pederson  
418 Sumner Avenue  
Sumner WA 98390

In Re Compliance with RCW 42.17A

Melony Pederson

Respondent.

PDC Case No. 13-297

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 Melony Pederson 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 City Councilmember in the City of Sumner 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

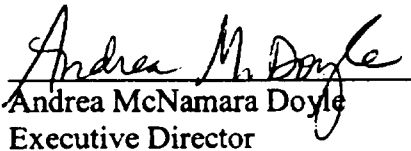
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**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.

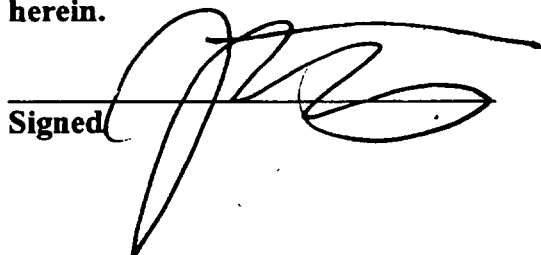
Entered this 13 day of August, 2013.

Public Disclosure Commission

  
Andrea McNamara Doyle  
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Berkeley 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 

Date 8/13/13


## Kurt Young

---

**From:** Melony Pederson [melonypederson@gmail.com]  
**Sent:** Tuesday, September 17, 2013 9:20 AM  
**To:** Phil Stutzman  
**Cc:** Melony.pederson@gmail.com; pickpederson@gmail.com; Kurt Young  
**Subject:** Re: Request for Review of Brief Enforcement Hearing Order, PDC Case No. 13-314

Thank you for the email. I am requesting an appeal on this matter. For the following reasons:

- I filled out the portions I felt were necessary given your flow chart at the time I registered for office, I believe it was a C4 form
- They way I initially interpreted your flow chart regarding the F1 was that it was not necessary for candidates in jurisdictions with over 5,000 registered voters. I confirmed with Pierce County Auditor's office that Sumner does in fact have over 5,000 registered voters and therefore did not fill out the F1
- I then received general notifications from your office to a broad audience regarding deadlines requesting completion of forms. Part of that communication clearly stated to disregard if you had already completed your form(s) which again I thought I had.
- I then received a letter in the mail regarding the F1 and called Kurt Young. He was very understanding of the situation, I offered to pay the \$100 fee at the time and was assured that if I sent in the completed form immediately I would not have to pay the fee.
- The next morning I mailed the form in with all pages signed as I was instructed to do so.
- I then receive certified mail after an extended vacation notifying me of papers filed against me by the Commission regarding the \$100
- I then called, I believe, Jacob Berkley as he is listed on the website as the Compliance Officer to address this misunderstanding, inform him I was instructed not to pay the \$100 and request this matter be expunged.
- This phone call was beyond unprofessional on Mr. Berkley's part and I would highly recommend he is removed from working with the public. He refused to address what happened and stated I was lying and he knew nothing about this agreement since I didn't have in writing. He stated the only way he would listen to what I had to share about what occurred in his office was in writing.
- I am now formally requesting an appeal to this matter. It is ridiculous it's gotten to this point. I am disheartened by this matter. I filled to run for office to represent my city and disclosed everything I thought I needed to. There is no malice here or any intention of hiding information which is what this Commission is charged with upholding.
- I expect this matter to be expunged and an apology for the treatment I received from Mr. Berkley personally. I will accept this apology in writing, in person or by phone.

Please call me the day of the hearing. I can be reached at 253.370.5734 .

Best regards,  
Melony Pederson

On Mon, Sep 16, 2013 at 6:40 PM, Phil Stutzman <[phil.stutzman@pdc.wa.gov](mailto:phil.stutzman@pdc.wa.gov)> wrote:

Melody Pederson

PDC Case No. 13-297

Ms. Pederson,

Based on your telephone conversations with Kurt Young, it appears that you might be interested in having the full Commission review the results of your brief enforcement hearing held August 1, 2013, as documented in the initial order sent August 13, 2013 (copy enclosed). We received your late-filed Personal Financial Affairs Statement (F-1 report) on July 22, 2013. If you would like to request a review of the Initial Order at the Commission's September 26, 2013 meeting, please send your request by email by noon on Tuesday, September 17<sup>th</sup> and we will include your case on the agenda. If you submit a review request, please ask that the Commission review the results of the brief enforcement hearing. Please provide the Commission with as much information as possible about your case - your understanding of the requirements, your filing efforts, and any other relevant mitigating factors, such as being a first-time candidate, whether you received the warning letter and hearing notice, etc.

All reviews will be heard at 1:00 p.m. on September 26<sup>th</sup>. You can participate in the review by telephone or you can let your letter speak for you. If you would like to participate by phone, let us know what number to use to call you during the hearing.

Thanks for your prompt attention to this matter. Please reply to Kurt Young, Compliance Coordinator. I am copying Kurt on this email. His number is (360) 664-8854.

Phil Stutzman

**Philip E. Stutzman**

Director of Compliance

Washington State Public Disclosure Commission

711 Capitol Way, Rm. 206/ P.O. Box 40908

Olympia, WA 98504-0908

email: [phil.stutzman@pdc.wa.gov](mailto:phil.stutzman@pdc.wa.gov)

(360) 753-1111/Fax (360) 753-1112

direct line: (360) 664-8853

toll-free in Washington State: 1-877-601-2828

Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

PDC Case No. 13-297

JUL 23 2013

Public Disclosure Commission  
• F-1 RCVD  
• No \$ RCVD

**PDC Statement of Understanding  
2013 Candidate F-1 Report**

I hereby acknowledge that I, Melvin Pedersen, did not  
(Printed Name of Respondent)

timely file the Personal Financial Affairs Statement (F-1 Report) that was due within two weeks of my becoming a candidate, or no later than May 31, 2013, a violation of RCW 42.17A.700.

I want to avoid the time and expense resulting from a brief enforcement hearing before the Commission. Therefore, I am filing the F-1 report, completing the Statement of Understanding, and enclosing a check or money order in the amount of \$100, in lieu of a hearing being held.

I understand that this will resolve all issues regarding my failure to timely file the F-1 report, provided that a check or money order for \$100, the completed F-1 report, and this signed Statement of Understanding are all received by Tuesday, July 30, 2013.

I further understand that the Commission will not hold a hearing regarding my obligation to timely file the F-1 report that was due as described above.

  
Signature of Respondent/Candidate

7-22-13  
Date Signed

Be sure to include your F-1 report, and make your check or money order payable to "Washington State Treasurer." Mail or deliver this Statement of Understanding, your completed F-1 report, and your payment to:

**Public Disclosure Commission  
711 Capitol Way, Room 206  
P.O. Box 40908  
Olympia, WA, 98504-0908**





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To: File of Melony Pederson, PDC Case No. 13-297

From: Kurt Young, Compliance Officer

Date: September 5, 2013

Subject: Telephone Call Sheet Re: Order and \$100 penalty in PDC Case No. 13-297

On September 5, 2013, I received a voice message from Melony Pederson concerning PDC Case No. 13-297. I previously exchanged voice messages with Ms. Pederson August 21-22, 2013, after she had received the Order in the mail. In her initial voice message, she questioned the \$100 penalty in her voice message. I reviewed her filings, and left her a return voice message stating we received her F-1 report on July 22, 2013, a Statement of Understanding (SOU) on July 23, 2013, but no \$100 penalty payment, and that she still owed the \$100 penalty.

I returned Ms. Pederson's call that afternoon, and during our conversation she referred to an agreement she had with a PDC staff member stating she was told there would be no penalty if the paperwork was received by Friday. I explained to her that at this point she needed to look at the appeal rights that were attached to the August 15, 2013 order, and if she wanted to request a review, to send me a detailed letter or email with the information requesting the Commission review her case.

She continued referring to an agreement she had, but she did not know the name of the PDC staff member that had allegedly "agreed that there would be no penalty if the paperwork was received by a Friday deadline." I stated the only agreement we had was the signed SOU from her, but without the \$100 penalty payment, the hearing was held on August 1, 2013. She kept requesting I provide her with the name of the staff person she had spoken with, and I informed her that it would have been myself or Jacob Berkey, and she wanted to speak to Mr. Berkey.

I explained to her on several occasions that she needed to request a review of her case, and that speaking to him was not going to resolve this situation, since the hearing was held more than a month ago. I reiterated that her Order had been sent on August 13, 2013, and included her appeal rights, and suggested she review that information and possibly exercise her appeal rights. I attempted to explain to her the relevant dates concerning the F-1 filing requirements and the subsequent Group Enforcement dates, but she was not interested in listening to the information I was explaining. I provided her with the following information:

1. May 31, 2013: F-1 report required to be filed for all candidates.
2. Wednesday, July 17, 2013: July 3, 2013 warning letter stated the F-1 report must be received by this date to avoid receiving a hearing notice;
3. Tuesday, July 22, 2013: F-1 report received from Ms. Pederson w/this PM date;
4. Wednesday, July 23, 2013: SOU contained this PM date, after being signed by Ms. Pederson on July 22<sup>nd</sup>.
5. Wednesday, July 31, 2013: F-1 report, SOU and \$100 penalty payment must be received to avoid the hearing.

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

3 IN RE THE MATTER OF ENFORCEMENT  
4 ACTION AGAINST

PDC CASE NO. 13-297

**FINAL ORDER**

(Order Upholding Initial Order)

5 Melony Pederson

6 Respondent.  
7

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

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

21 **I. PROCEDURAL HISTORY**

22 The matter involved the allegation that Respondent violated RCW 42.17A.700 by  
23 failing to timely file a Personal Financial Affairs Statement (F-1 report) as a candidate for City  
24 Councilmember in the City of Sumner in 2013.  
25  
26

1 A brief hearing was held on August 1, 2013. An initial order was entered August 13,  
2 2013, making Findings of Fact, Conclusions of Law and assessing a \$100 civil penalty for the  
3 violation found in that hearing.

4 On September 5, 2013, Respondent contacted PDC staff and requested the Commission  
5 review the \$100 penalty in the initial order. On September 17, 2013 Respondent also sent an  
6 email to PDC staff requesting a review of the penalty.

7 Following consideration of the initial order, Respondent's request for review, Mr.  
8 Stutzman's September 17, 2013 memorandum and testimony, and the Respondent's testimony,  
9 the Commission voted unanimously to uphold the initial order as the final order.

## 10 II. FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

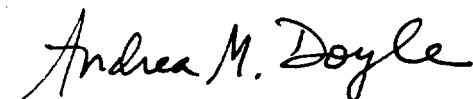
11 The Findings of Fact, Conclusions of Law and Order in the initial order entered August  
12 13, 2013 are upheld as the Final Order.

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

14 So ORDERED this 5<sup>th</sup> day of November, 2013.

15 WASHINGTON STATE PUBLIC  
16 DISCLOSURE COMMISSION

17 FOR THE COMMISSION:

18 

19 ANDREA MCNAMARA DOYLE  
20 Executive Director

### 21 ATTACHMENTS

- 22 (1) Initial Order  
23 (2) Appeals and Enforcement of Final Orders

24 *Copy of this order to:*  
25 Melony Pederson  
26 418 Sumner Avenue  
Sumner, WA 98390

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

3 Jacob Berkey  
Signature

11/9/13  
Date

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

Melony Pederson  
418 Sumner Avenue  
Sumner WA 98390

In Re Compliance with RCW 42.17A

Melony Pederson

Respondent.

PDC Case No. 13-297

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 Melony Pederson 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 City Councilmember in the City of Sumner 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

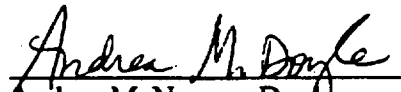
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**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.

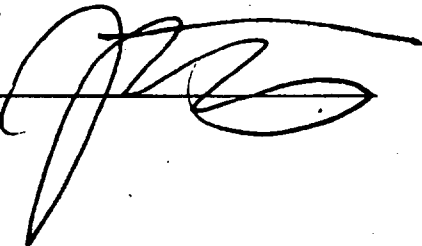
Public Disclosure Commission

  
Andrea McNamara Doyle  
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Berkeley 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



Date

8/13/13