



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 **Destiny Stein: PDC Case No. 13-325**

Agenda Item

Destiny Stein is seeking a review by the Commission of an initial order entered in a Brief Enforcement Hearing in PDC Case No. 13-325. The review is scheduled for the September 26, 2013, Commission meeting.

Background

Ms. Stein is a first-time candidate seeking the office of City Councilmember in the City of Medical Lake. Ms. Stein 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.

Ms. Stein filed the missing F-1 report on July 24, 2013. A Brief Enforcement Hearing was held on August 1, 2013, at which the Presiding Officer found Ms. Stein 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. Stein 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. The initial Order was entered August 13, 2013.

Request for Review/Reconsideration

On August 21, 2013, Ms. Stein sent an email, requesting a review¹ of the penalty assessed. She stated she was a first-time candidate who misunderstood the F-1 filing requirements. She stated her spouse, Christopher Stein, was also a first-time candidate for City Councilmember in the City of Medical Lake, but seeking a different position. She stated that initially, both of them thought the F-1 report had to be filed within two weeks after being appointed or elected, rather than within two weeks of becoming a candidate.

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

Ms. Stein stated that she and her spouse each received an F-1 warning letter in the mail but said they were still under the impression the F-1 reports did not need to be filed until they were elected. She stated that she and her spouse completed the F-1 reports online, but they failed to timely submit the signature authorizations forms. She stated she mailed the signature authorization form and password, and that she included her spouse's signature authorization form and password at the same time, but acknowledged this was done after the hearing notices had been mailed out by PDC staff.

Staff Response

Staff reviewed the F-1 electronic filing application and discovered that on July 13, 2013, Ms. Stein created her F-1 account and saved an F-1 report electronically. However, she did not timely complete the next step to properly transmit the missing report, since she did not submit the F-1 signature authorization form and password until it was received on July 22, 2013. Her account was activated on July 24, 2013, and her pending F-1 report was released.

Mr. Stein created his F-1 account and saved an F-1 report electronically on June 28, 2013. The signature authorization form and password were received on July 22, 2013. His account was activated on July 24, 2013, and his pending F-1 report was released. His case was closed administratively by telephone on July 31, 2013.

Attachments:

- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 13-325)
- August 21, 2013 email from Ms. Stein.



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August 13, 2013

Destiny Stein
617 North Jefferson Street
Medical Lake WA 99022

Subject: PDC Case No. 13-325

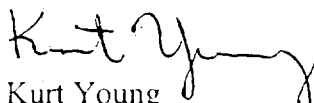
Dear Ms. Stein:

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@pdc.wa.gov.

Sincerely,


Kurt Young
Compliance Officer

Enclosure



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Destiny Stein
617 North Jefferson Street
Medical Lake WA 99022

In Re Compliance with RCW 42.17A

Destiny Stein

Respondent.

PDC Case No. 13-325

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 Destiny Stein 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 Medical Lake 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 24, 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

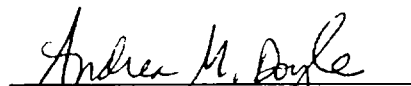
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

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 Benke, 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: destiny stein [destinystein@live.com]
Sent: Wednesday, August 21, 2013 10:46 AM
To: Kurt Young
Subject: Appeal

To whom it may concern:

I am writing in response to the penalty that was assigned to me for submitting the F1 form late. It was my understanding that the F1 did not need to be completed until two weeks after being appointed. I assumed this by looking at the PDC website and following the chart provided on the website. This is my first time running for an elected position so i was unfamiliar with the process.

Once i received a letter in the mail (my husband did as well) indicating it was a final notification still had not completed the F1. Again i was still under the impression it did not need to be completed until elected. The F1 form was completed and the page that i needed to sign was mailed. I also mailed my husbands at the same time.

Shortly after mailing the signed pages, we received notification of a hearing due to the forms being submitted to late. My husband began to make phone calls to the PDC in reference to the hearing. He attempted to contact Kurt and received his voicemail. He called again and spoke with another individual (cant remember the name). At that time, he was told both cases (both his and mine) would be closed administratively and not hearing or fine would be imposed.

On or around August 1, 2013 Kurt returned my husbands phone call. He notified Kurt that he had spoke to another person and had taken care of it. At that time it was again reiterated that both cases would be closed administratively and no penalty or fine would be imposed.

I recently received notification that i was being fined \$100 for submitting the forms late. I immediately attempted to contact Kurt but only received a voicemail. I did hear back from him on August 19 and explained the concerns and questions i had.

I am requesting an appeal for the fine that has been imposed as it was my understanding that the case was closed administratively. Based on the information provided on the website, i believed that i was not required to complete the form until elected or appointed. At no time did i attempt to manipulate the PDC nor did i purposely show a disregard for the rules and laws that govern the PDC and the requirements of the F1 form. I have attached a copy of the chart i used to see when the F1 needed to be completed. As you can see it may be confusing for a first time candidate. As stated at the bottom of the chart it says " Appointees must file within **two weeks** of being appointed."

I would like to thank you for your time in considering my appeal and i hope to hear a response from you soon.

Destiny Stein
destinystein@live.com
(509) 954-1254

Personal Financial Affidavit Statement?

Are you an appointed or elected official?

1. for a federal office;
2. in a town or jurisdiction that had fewer than 1,000 registered voters as of the last general election;
3. for precinct committee officer; or for an office in a district where voters must own property or have other special qualifications (e.g., irrigation, diking, or flood control)?

No F-1 required.

Are you?

1. an elected or appointed official for a state office;
2. an elected or appointed official in a town or taxing district that had 1,000 or more registered voters as of the last general election (check with the PDC);
3. an appointed official to one of the agencies linked [here](#)?

No F-1 required.

File a financial affairs statement (Form F1).

*Elected officials must file between **January 1 and April 15** during the year they hold office.

Appointees must file within **two weeks** of being appointed.

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. 13-325

**ORDER VACATING PRIOR
ORDER**

5 Destiny Stein

6 Respondent.
7

8
9 This matter came before the Washington State Public Disclosure Commission on
10 October 24, 2013 at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way,
11 Olympia, Washington. The Respondent, Destiny Stein, requested a reconsideration¹ of the
12 prior order from a brief enforcement hearing (brief adjudicative proceeding) in this matter.
13 The review hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter
14 390-37 WAC.

15 Those present included Amit Ranade, Commission Chair; Grant Degginger,
16 Commission Vice-Chair; Barry Sehlin, Member; and Kathy Turner, Member. Also present
17 were Kurt Young, PDC Compliance Officer on behalf of the PDC Staff; PDC Executive
18 Director Andrea McNamara Doyle; Nancy Krier, General Counsel for the Commission; and
19 PDC staff member Nancy Coverdale as recorder/reporter of the proceedings. The Respondent
20 did not participate although she submitted a written request for reconsideration. The
21 proceeding was open to the public and recorded.

22 ///

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

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I. PROCEDURAL HISTORY

The matter involved the allegation that Respondent violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) as a candidate for the office of City Councilmember for Medical Lake. Respondent filed her missing F-1 on July 24, 2013.

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

On August 21, 2013, the Respondent sent an email to the PDC requesting review of the initial order, explaining her attempt to file her F-1 electronically, which was confirmed by PDC staff. During this time, the initial order became a final order so Respondent's request was considered a request for reconsideration of a final order (prior order).

Following consideration of the prior order, Respondent's request, and Mr. Young's September 17, 2013 memorandum and testimony, and for the reasons provided by the parties, the Commission unanimously voted to vacate the prior order.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER

The Findings of Fact, Conclusions of Law and Order Imposing Fine entered August 13, 2013 are vacated and the allegations are dismissed. No penalty is assessed.

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

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

4 WASHINGTON STATE PUBLIC
5 DISCLOSURE COMMISSION

6 FOR THE COMMISSION:

7 *Andrea M. Doyle*

8 ANDREA MCNAMARA DOYLE
9 Executive Director

10
11 **ATTACHMENTS**

- 12 (1) Prior Order
13 (2) Appeals and Enforcement of Final Orders
14

15 *Copy of this order to:*

16 Destiny Stein
17 617 North Jefferson St.
18 Medical Lake, WA 99022

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

21 *Jacob Berkeley*
22 Signature

23 11/5/13
24 Date
25
26



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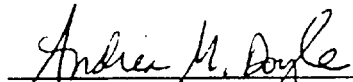
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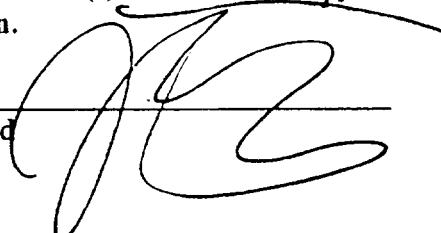
Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Benkey, 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