



# PROPOSED RULE MAKING

**CR-102 (October 2017)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: February 07, 2018  
TIME: 11:43 AM

**WSR 18-04-115**

**Agency:** Public Disclosure Commission

- Original Notice**
- Supplemental Notice to WSR** \_\_\_\_\_
- Continuance of WSR** \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 18-01-086 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information: (describe subject)**

Brief enforcement hearings (adjudicative proceeding)—Penalty schedule.

The presiding officer may assess a penalty up to one thousand dollars upon finding a violation of chapter [42.17A](#) RCW or Title 390 WAC.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
March 15, 2018	1:30 PM	Washington State Public Disclosure Commission 711 Capitol Way, S. #206 Olympia, WA 98504	

**Date of intended adoption:** 04/10/18 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Barbara Sandahl, Deputy Director  
Address: 711 Capitol Way S., #206  
Email: [Barbara.sandahl@pdc.wa.gov](mailto:Barbara.sandahl@pdc.wa.gov)  
Fax: (360) 753-1112  
Other: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)  
By (date) \_\_\_\_\_

**Assistance for persons with disabilities:**

Contact Barbara Sandahl, Deputy Director  
Phone: (360) 753-1111  
Fax: (360) 753-1111  
TTY:  
Email: [Barbara.sandahl@pdc.wa.gov](mailto:Barbara.sandahl@pdc.wa.gov)  
Other: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)  
By (date) \_\_\_\_\_

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Rulemaking will ensure that the Commission has the ability to assess penalties for failure to file required Treasurer (T-1) reports timely.

T-1 penalty schedule will be added to WAC 390-37-143.

**Reasons supporting proposal:** The adoption of the addition of T-1 penalty schedule will allow respondents, who have received notification of enforcement hearing, to enter into statements of understandings (SOU) and pay the scheduled penalty to avoid hearing.

**Statutory authority for adoption:** RCW 42.17A.110 Commission—Additional powers.

**Statute being implemented:** WAC 390-37-143 Brief enforcement hearings (adjudicative proceeding)—Penalty schedule.

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization)  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Jana Greer	Olympia	360-753-1985

Implementation:

Enforcement:

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No  
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Date:** 2/7/2018

**Name:** Barbara Sandahl

**Title:** Deputy Director

**Signature:**

