



# PROPOSED RULE MAKING

**CR-102 (June 2024)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: June 05, 2025

TIME: 9:02 AM

**WSR 25-13-004**

**Agency:** Public Disclosure Commission

☒ **Original Notice**

☐ **Supplemental Notice to WSR** \_\_\_\_\_

☐ **Continuance of WSR** \_\_\_\_\_

☒ **Preproposal Statement of Inquiry was filed as WSR 24-22-057 ; 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) Updating PDC enforcement penalty schedules and procedures.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
July 24, 2025	9:30 A.M.	Public Disclosure Commission 711 Capitol Way S. Suite 206 Olympia, WA 98504	Remote participation available (instructions will be provided with meeting announcement).

**Date of intended adoption:** July 24, 2025 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name Rulemaking Coordinator

Address 711 Capitol Way S; Ste. 206; Olympia, WA 98504

Email [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Fax 360-753-1112

Other

Beginning (date and time) May 23, 2025

By (date and time) July 16, 2025

**Assistance for persons with disabilities:**

Contact Jana Greer

Phone 360-753-1111

Fax 360-753-1112

TTY

Email [jana.greer@pdcc.wa.gov](mailto:jana.greer@pdcc.wa.gov)

Other

By (date) July 20, 2025


**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** PDC rules establish schedules of monetary ranges used to categorize the assessment of appropriate penalties in enforcement matters. Penalty schedules were last modified in 2018. Revisions will adjust the monetary values used to set the penalty schedules in brief and full commission proceedings. The limit on penalty assessments for a brief adjudicatory proceeding (BAP) will be raised from \$1,000 to \$2,000. Mitigating and aggravating factors for each type of proceeding will be consolidated into a single set of criteria that will be applied to all enforcement proceedings. Additional minor and technical changes will be made to agency enforcement procedures.

**Reasons supporting proposal:** Revisions and adjustments to the schedules and enforcement process will help to assist in the efficient and effective prosecution of enforcement matters and ensure the appropriate assessment of penalties. Raising the penalty limit for BAPs from \$1,000 to \$2,000 will allow more flexibility for simple cases to be adjudicated within the brief enforcement process, without requiring participation by the full commission. Consolidating the mitigating and aggravating factors will help to make the criteria more accessible and uniform across the different adjudicatory proceedings.

**Statutory authority for adoption:** RCW 42.17A.110 & .755.

**Statute being implemented:** N/A

<b>Is rule necessary because of a:</b>			
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:			
<b>Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:</b> N/A			
<b>Name of proponent:</b> (person or organization) PDC			
<b>Type of proponent:</b> <input type="checkbox"/> Private. <input type="checkbox"/> Public. <input checked="" type="checkbox"/> Governmental.			
<b>Name of agency personnel responsible for:</b>			
	Name	Office Location	Phone
Drafting	Sean Flynn	Public Disclosure Commission	360-753-1111
Implementation	Kim Bradford	Public Disclosure Commission	360-753-1111
Enforcement	Kim Bradford	Public Disclosure Commission	360-753-1111
<b>Is a school district fiscal impact statement required under <a href="#">RCW 28A.305.135</a>?</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, insert statement here:			
<p>The public may obtain a copy of the school district fiscal impact statement by contacting:</p> <p>Name</p> <p>Address</p> <p>Phone</p> <p>Fax</p> <p>TTY</p> <p>Email</p> <p>Other</p>			
<b>Is a cost-benefit analysis required under <a href="#">RCW 34.05.328</a>?</b>			
<input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: <p>Name</p> <p>Address</p> <p>Phone</p> <p>Fax</p> <p>TTY</p> <p>Email</p> <p>Other</p>			
<input checked="" type="checkbox"/> No: Please explain:			
<b>Regulatory Fairness Act and Small Business Economic Impact Statement</b>			
Note: The <a href="#">Governor's Office for Regulatory Innovation and Assistance (ORIA)</a> provides support in completing this part.			
<b>(1) Identification of exemptions:</b>			
This rule proposal, or portions of the proposal, <b>may be exempt</b> from requirements of the Regulatory Fairness Act (see <a href="#">chapter 19.85 RCW</a> ). For additional information on exemptions, consult the <a href="#">exemption guide published by ORIA</a> . Please check the box for any applicable exemption(s):			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under <a href="#">RCW 19.85.061</a> 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:			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by <a href="#">RCW 34.05.313</a> before filing the notice of this proposed rule.			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under the provisions of <a href="#">RCW 15.65.570(2)</a> because it was adopted by a referendum.			

<input checked="" type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under <a href="#">RCW 19.85.025(3)</a> . Check all that apply:	
<input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b) (Internal government operations)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e) (Dictated by statute)
<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c) (Incorporation by reference)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f) (Set or adjust fees)
<input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d) (Correct or clarify language)	<input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)
<input checked="" type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under <a href="#">RCW 19.85.025(4)</a> . (Does not affect small businesses).	
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under RCW _____.	
Explanation of how the above exemption(s) applies to the proposed rule:	
<b>(2) Scope of exemptions:</b> <i>Check one.</i> <input checked="" type="checkbox"/> The rule proposal: Is fully exempt. ( <i>Skip section 3.</i> ) Exemptions identified above apply to all portions of the rule proposal. <input type="checkbox"/> The rule proposal: Is partially exempt. ( <i>Complete section 3.</i> ) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using <a href="#">this template from ORIA</a> ): <input type="checkbox"/> The rule proposal: Is not exempt. ( <i>Complete section 3.</i> ) No exemptions were identified above.	
<b>(3) Small business economic impact statement:</b> <i>Complete this section if any portion is not exempt.</i> If any portion of the proposed rule is <b>not exempt</b> , does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?	
<input type="checkbox"/> No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____ <input type="checkbox"/> Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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	
<b>Date:</b> June 5, 2025	<b>Signature:</b> 
<b>Name:</b> Sean Flynn	
<b>Title:</b> General Counsel	