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
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February 9, 2010

2009 ROGER D FREEMAN CAMPAIGN
1116 SW 318TH PL
FEDERAL WAY WA 98023-4740

Subject: PDC Case No. 10-053

Dear Mr. Freeman:

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

The Order assessed a civil penalty of $300, of which $200 is suspended on the condition that no violations of RCW 42.17 are committed for the next four years, and the $100 non-suspended portion of the penalty is paid within 60 days of the date of the order.

Thank you for your cooperation and participation with the hearing process. The $100 non-suspended portion of the penalty is due by April 10, 2010.

If you have questions, please contact me at (360) 664-8854; toll free at (877) 601-2828 or by email at kyoung@pdc.wa.gov.

Sincerely,

Kurt Young
Compliance Officer

Enclosure

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

2009 ROGER D FREEMAN CAMPAIGN
1116 SW 318TH PL
FEDERAL WAY WA 98023-4740

In Re the Matter of Roger D. Freeman Campaign (2009) Respondent.	)))))	PDC Case No. 10-053 Findings of Fact, Conclusions of Law and **Order Imposing Fine**

A brief enforcement hearing (brief adjudicative proceeding) was held January 27, 2009, in Room 206, Evergreen Plaza Building, Olympia, Washington to consider whether the Respondent's campaign violated RCW 42.17.080 and .090 by failing to timely file the 21-day pre-general election and the 7-day pre-general election Campaign Summary Receipts and Expenditures Reports (PDC Form C-4). Both C-4 reports are required to be filed by candidates appearing on the 2009 general election ballot.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Jim Clements was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. Roger D. Freeman participated in the hearing by telephone providing testimony to the Presiding Officer.

Brief enforcement hearing notice was sent to Roger D. Freeman on January 14, 2010. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. Roger Freeman was a candidate seeking election to the office of Federal Way City Councilman in 2009.

2. The 2009 21-day pre-general election C-4 report was required to be filed by October 13, 2009, covering the period of September 1 through October 12, 2009.

3. The 2009 7-day pre-general election C-4 report was required to be filed by October 27, 2009, covering the period of October 13 through October 26, 2009.

4. The Respondent's campaign filed the 21-day pre-general C-4 report on November 2, 2009, 20 days late, disclosing $2,746 in contributions received and $1,510 in expenditures made.

5. The Respondent's campaign filed the 7-day pre-general C-4 report on November 2, 2009, six days late, disclosing $250 in contributions received and $1,007 in expenditures made. The Respondent's campaign raised and spent slightly more than $5,000 for the entire campaign.

6. Mr. Freeman stated that the allegations about the late-filed C-4 reports were true and he apologized for the lack of timeliness. He said he had run for the office in 2007, and that he had been sought out as a candidate for city council in 2009 by the local Democratic Party. He said he thought he would be receiving more assistance and support for his campaign, but as it turned out, it was a largely self-run campaign with Mr. Freeman serving as his own campaign treasurer. He said he thought he timely filed the Monetary Contributions Reports (PDC Form C-3) for the campaign, but due to his work schedule and family constraints, he was late in filing the two C-4 reports.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.

2. The Respondent's campaign committed two violations of RCW 42.17.080 and .090 by failing to timely file the 21-day pre-general election C-4 report and the 7-day pre-general election C-4 report for the 2009 election.

ORDER

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

IT IS HEREBY ORDERED that the Respondent's Campaign is assessed a civil penalty of $300, of which $200 is suspended on the condition that no violations of RCW 42.17 are committed for the next four years from the date of the order, and the $100 non-suspended portion of the penalty is paid within 60 days of the date of the order.

This is an **Initial Order** of the Public Disclosure Commission. There are two ways the Respondent may appeal this order to the Commission. Once the order becomes a final order, it may also be appealed to Superior Court.

REVIEW OF INITIAL ORDER – COMMISSION

a. The Respondent may request a review of this Initial Order by the entire Commission.

b. The request may be made orally or in writing, and must be received at the Public Disclosure Commission office within **21 business days** after the postmark date of this Initial Order. The Respondent must state the reason for the review, and identify what alleged errors are contained in the initial order.
c. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.
d. By law, a request for review of the initial order is deemed to have been denied if the Commission does not make a disposition of the matter within 20 business days after the request is submitted.
e. If the Commission is unable to schedule a meeting to consider the Respondent's request for review within 20 business days, the Initial Order becomes a Final Order and the matter will automatically be treated as a request for reconsideration of a final order unless the Respondent advises the Commission otherwise. The matter will be scheduled before the full Commission as soon as practicable.
f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 business days, the request must now be put in writing. (See Reconsideration of Final Order below.)
g. If no request for review is received within 21 business days, this order will automatically become a **Final Order** of the Commission, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 42.17.395, RCW 34.05.470 and RCW 34.05.570).

RECONSIDERATION OF FINAL ORDER - COMMISSION

a. Any party may ask the Commission to reconsider a final order. The request must be in writing and must include the specific grounds or reasons for the request. Grounds for reconsideration shall be limited to:
   i) A request for review was deemed denied in accordance with WAC 390-37-144(4);
   ii) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or
   iii) Significant typographical or ministerial errors in the order.
b. The request must be delivered to the Public Disclosure Commission office within **21 business days** after the postmark date of this order.
c. The Public Disclosure Commission is deemed to have denied the request for reconsideration if, within 20 business days from the date the request is filed, the Commission does not either dispose of the petition <u>or</u> serve the parties with written notice specifying the date by which it will act on the petition. (RCW 34.05.470).
d. The Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court. (RCW 34.05.470).

FURTHER APPEAL RIGHTS – SUPERIOR COURT

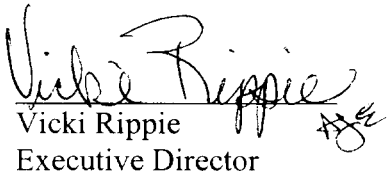
a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
b. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this Final Order on the parties. (RCW 34.05.542(2)).
c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

ENFORCEMENT OF FINAL ORDERS

a. If there is no timely request for review or reconsideration, this Initial Order becomes a Final Order. The Respondent is legally obligated to pay any penalty assessed.
b. The Commission will seek to enforce a final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

Entered this 9th day of February, 2010.

Public Disclosure Commission



Vicki Rippie
Executive Director