



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 16, 2010
RE: Request for Reconsideration from William Atkinson: PDC Case No. 10-071

William Atkinson is seeking reconsideration by the Commission of an order entered in a Brief Enforcement Hearing in PDC Case No. 10-071. Mr. Atkinson's request for reconsideration is scheduled to be heard at the September 23, 2010 Commission meeting.

William Atkinson is an incumbent School Director for the Skykomish School District. As an elected official, Mr. Atkinson was required to file a Personal Financial Affairs Statement (PDC Form F-1) no later than April 15, 2010, disclosing financial activities for all of calendar year 2009

A Brief Enforcement Hearing was held on June 23, 2010 (PDC Case No. 10-071) in which staff alleged that Mr. Atkinson violated RCW 42.17.240 by failing to file an F-1 report, due no later than April 15, 2010. The Presiding Officer found Mr. Atkinson in violation of RCW 42.17.240 for failing to file an F-1 report for calendar year 2009, at the June 23, 2010 Brief Enforcement hearing.

The July 1, 2010, Findings of Fact, Conclusions of Law, and Order Imposing Fine assessed a civil penalty of \$500, of which \$350 of the penalty was suspended on the condition the \$150 non-suspended portion of the penalty is paid within 60 days of the date of this order, and the missing F-1 report is filed.

On July 28, 2010, Mr. Atkinson submitted a letter requesting a reconsideration of the Findings of Fact, Conclusions of Law, and Order Imposing Fine entered after the June 23, 2010, Brief Enforcement Hearing, a complete F-1 report, and a completed Statement of Understanding (but no penalty payment). A copy of his Request for Reconsideration letter, his F-1 report and the completed Statement of Understanding admitting to a violation are attached.

Mr. Atkinson stated in his reconsideration letter that he suffers "from end stage heart failure" and was totally wrapped in being hospitalized for that condition and the subsequent follow-up visits that prevented him from timely filing the F-1 report.

Staff contacted the Skykomish School District and they confirmed Mr. Atkinson resigned his position as a School Board member effective the last day of July 2010, and that he had some medical issues over the last several years.

Staff sent an e-mail to Mr. Atkinson on September 9, 2010, asking if he is able to participate by telephone during the Commission's reconsideration of his Brief Enforcement Hearing Order, but has not heard back from Mr. Atkinson as of the date of the Commission mailing.

Attachments:

- July 30, 2010, letter from Mr. Atkinson requesting reconsideration.
- July 1, 2010, Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 10-071)

JUL 28 2010

JUL 29 2010

Public Disclosure Commission

Ladies and Gentlemen,

I understand that I was delinquent in filing my F-1 form. I suffer from end stage heart failure and was totally wrapped up in hospitalization and subsequent follow ups. I am retired on a permanent medical disability.

I understand that I missed a hearing and for that I am sorry. I have stepped down from the school board and they will receive written notification of this at their next board mtg. scheduled for July 28.

In light of these details, I ask for the penalitie(s) to be reconsidered and hopefully dropped. My position on the board in volunteer and I receive no monies other than my disability.

Thank you for your consideration,

William Atkinson



boatnutbill@yahoo.com

206-661-4070

PDC Case # 10-071

RECEIVED

JUL 29 2010

Public Disclosure Commission
F-1 RCVD 7/29/10; No check
RCVD.

STATEMENT OF UNDERSTANDING
F-1 Report Due April 15, 2010

I hereby acknowledge that I, William G. Atkinson, did not
(Printed Name of Respondent)

timely file the Personal Financial Affairs Statement, PDC Form F-1, that was due by April 15, 2010 – a violation of RCW 42.17.240. I want to avoid the time and expense resulting from an enforcement hearing before the Commission.

Therefore, I am filing the F-1 form 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 form, and this signed Statement of Understanding are received by the Public Disclosure Commission no later than 5:00 p.m. on Tuesday, June 22, 2010. I further understand that the Commission will not hold a hearing regarding my obligation to timely file the F-1 form that was due as described above.

Signature of Respondent

7/25/10

Date Signed

Mail or deliver this Statement of Understanding, your completed F-1 form and your payment to:

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

Be sure to include your F-1 form.

Make your check or money order payable to: Washington State Treasurer

Refer to instruction manual for detailed assistance and examples.

Deadlines: Incumbent elected and appointed officials – by April 15.
 Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION

DOLLAR CODE	AMOUNT
A	\$1 to \$3,999
B	\$4,000 to \$19,999
C	\$20,000 to \$39,999
D	\$40,000 to \$99,999
E	\$100,000 or more

Last Name ATKINSON	First WILLIAM	Middle Initial G
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Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.

Mailing Address (Use PO Box or Work Address) *
P.O. Box 215

City SKYKOMISH	County KING	Zip + 4 98288-0215
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Filing Status (Check only one box.)

An elected or state appointed official filing annual report

Final report as an elected official. Term expired: _____ year _____

Candidate running in an election: month _____ year _____

Newly appointed to an elective office

Newly appointed to a state appointive office

Professional staff of the Governor's Office and the Legislature

Office Held or Sought

Office title: **BOARD Co-CHAIR**

County, city, district or agency of the office, name and number: **SKYKOMISH SCHOOL #404**

Position number: **1**

Term begins: _____ ends: _____

1 INCOME List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,000 or more during the period. (Report interest and dividends in Item 3 on reverse)

Show Self (S) Spouse (SP/DP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)
1			

Check Here if continued on attached sheet

2 REAL ESTATE List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$10,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms
		Security Given	Mortgage Amount - (Use Code) Original Current
All Other Property Entirely or Partially Owned 531 SKYLAKE, SKYKOMISH 98288	265K	PHH	1,149.-

Check here if continued on attached sheet

3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS

List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you, a family member, including registered domestic partner, had an account over \$20,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you, a family member, including registered domestic partner, had a policy with a cash or loan value over \$20,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you, a family member, including registered domestic partner, owned or had a financial interest worth over \$2,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property. If you, your spouse, registered domestic partner and/or dependents had decision making authority regarding individual assets/investments list each asset or investment, the value and any income amount. EXAMPLE: If you self-directed an investment account identify each stock or other asset in that account.			

Check here if continued on attached sheet.

4 CREDITORS

List each creditor you or a family member, including registered domestic partner, owed \$2,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.

Creditor's Name and Address	Terms of Payment	Security Given	Original	Present
Check here <input type="checkbox"/> if continued on attached sheet.				

5

All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. At any time during the reporting period were you, your spouse, registered domestic partner or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? ____ If yes, complete Supplement, Part A.
- B. Did you, your spouse, registered domestic partner or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? ____ If yes, complete Supplement, Part A.
- C. Did you, your spouse, registered domestic partner or dependents own a business at any time during the reporting period? ____ If yes, complete Supplement, Part A.
- D. Did you, your spouse, registered domestic partner or dependents prepare, promote or oppose state legislation, rules, rates or standards for compensation or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? ____ If yes, complete Supplement, Part B.
- E. **Only for Persons Filing Annual Report.** Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse, registered domestic partner or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? ____ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training? ____ If yes to either or both questions, complete Supplement, Part C.

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

- I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.
- I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature _____ Date 7/25/10
 Contact Telephone: 306*461-4070
 Email: _____ (work) *
 Email: _____ (Home) Optional

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

PUBLIC DISCLOSURE COMMISSION

 711 CAPITOL WAY RM 206
 PO BOX 40908
 OLYMPIA WA 98504-0908
 (360) 753-1111
 TOLL FREE 1-877-601-2828
 EMAIL: pdc@pdc.wa.gov

PDC FORM
F-1
 SUPPLEMENT
 (11/08)

SUPPLEMENT PAGE
 PERSONAL FINANCIAL AFFAIRS STATEMENT

PROVIDE INFORMATION FOR YOURSELF, SPOUSE, REGISTERED DOMESTIC PARTNER, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

Last Name: ATKINSON First: WILLIAM Middle Initial: W DATE: 7/25/10

- A OFFICE HELD, BUSINESS INTERESTS:** Provide the following information if, during the reporting period, you, your spouse, registered domestic partner or dependents
- (1) were an officer, director, general partner, trustee, or 10 percent or more owner of a corporation, non-profit organization, union, partnership, joint venture or other entity; and/or
 - (2) were a partner or member of a limited partnership, limited liability partnership, limited liability company or similar entity, including but not limited to a professional limited liability company.
- Legal Name: Report name used on legal documents establishing the entity.
 - Trade or Operating Name: Report name used for business purposes if different from the legal name.
 - Position or Percent of Ownership: The office, title and/or percent of ownership held.
 - Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
 - Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
 - Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$10,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
 - Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1

Reporting For: Self Spouse
 Registered Domestic Partner Dependent

LEGAL NAME:

POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:
 Purpose of payments

Amount (actual dollars)
 \$

PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE:
 Agency name:

Purpose of payment (amount not required)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE
 Customer name:

Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

CONTINUE PARTS B AND C ON NEXT PAGE



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July 1, 2010

WILLIAM ATKINSON
PO BOX 215
SKYKOMISH WA 98288-0215

Subject: PDC Case No. 10-071

Dear Mr. Atkinson:

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 \$500, of which \$350 is suspended on the condition that the missing F-1 report is filed and the \$150 non-suspended portion of the penalty is paid within 60 days of the date of the order.

The \$150 non-suspended portion of the penalty and your missing F-1 report are due no later than August 30, 2010. Thanks 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 kyoung@pdc.wa.gov.

Sincerely,

A handwritten signature in black ink that reads "Kurt Young".

Kurt Young
Compliance Officer

Enclosure



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

WILLIAM ATKINSON
PO BOX 215
SKYKOMISH WA 98288-0215

In Re the Matter of)	PDC Case No. 10-071
William Atkinson)	Findings of Fact,
)	Conclusions of Law and
Respondent.)	Order Imposing Fine
_____)	

A brief enforcement hearing (brief adjudicative proceeding) was held June 23, 2010, in Room 206, Evergreen Plaza Building, Olympia, Washington to consider whether the Respondent violated RCW 42.17.240 by failing to file the Personal Financial Affairs Statement (PDC Form F-1) for calendar year 2009, which is required to be filed no later than April 15, 2010.

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. The Respondent was not present and did not submit any written material to be considered by the Presiding Officer.

Brief enforcement hearing notice was sent to William Atkinson on June 8, 2010. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a School Director for the Skykomish School District. He was appointed School Director in 2008.
2. The Respondent was required to file a Statement of Financial Affairs (PDC Form F-1) by April 15, 2010. The F-1 report covers financial activities that occurred in calendar year 2009.
3. The Respondent did not file the F-1 report by the date of the hearing.

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 violated RCW 42.17.240 by failing to file the Personal Financial Affairs Statement by April 15, 2010.

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 \$500,¹ of which \$350 is suspended on the condition the \$150 non-suspended portion of the penalty is paid within 60 days of 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.

¹ The assessed penalty is based on a penalty schedule previously adopted by the Commission that takes into consideration prior violations and whether the missing report was filed before the date of the hearing. In assessing the penalty, the Presiding Officer considered that the Respondent had no prior violations and that the missing report was not filed before the date of the hearing.

- 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 or 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 may 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 1st day of July, 2010.

Public Disclosure Commission


Doug Ellis

Interim Executive Director