BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE THE MATTER OF ENFORCEMENT ACTION AGAINST Vernon Garrison Respondent.	PDC CASE NO. 13-122 **AMENDED FINAL ORDER** (Order On Reconsideration and Amending Penalty)

This matter came before the Washington State Public Disclosure Commission on September 26, 2013 at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington. The Respondent, Vernon Garrison, requested a reconsideration[1] of the prior order of a brief enforcement hearing (brief adjudicative proceeding) in this matter. The review hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC.

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

[1]Under WAC 390-37-144 the initial order became a final order and the request was automatically treated as a request for reconsideration of a final order. For ease of reference, the initial order will be referred to as the "prior order."

I. PROCEDURAL HISTORY

The matter involved allegations that Respondent violated: (1) RCW 42.17A.205 by failing to file a Candidate Registration (C-1 report); and (2) RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) as a candidate for City Councilmember in the City of Port Townsend.

A brief hearing was held on August 1, 2013. The Respondent did not participate. An initial order was entered August 15, 2013, making Findings of Fact, Conclusions of Law and assessing a $300 civil penalty for the violations found in that hearing. The order became final.

By telephone on September 12, 2013, and then by email dated September 17, 2013, the Respondent requested the Commission reconsider that order ("prior order").

Following consideration of the prior order, the Respondent's email request for reconsideration, Mr. Young's September 17, 2013 memorandum concerning this case and testimony, the Commission voted unanimously to amend the prior order and reduce the penalty as follows:

II. AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commission adopts the Findings of Fact in the prior order (attached).
2. The Commission makes the following additional findings:
   a. The Respondent filed his missing C-1 and F-1 reports manually on paper on September 17, 2013, after the date of the brief enforcement hearing held August 1, 2013.
   b. The Respondent believed he filed his C-1 and F-1 reports electronically when he thought he mailed in the signature authorization cards in June of 2013. He was unaware that the PDC did not receive the signature cards at that time.
   c. The Respondent had been out of town in North Dakota and Montana frequently doing consulting work during the five months prior to mid-September, and had only been home for a total of an estimated six weeks.

d. The Respondent did not have a mailing address in either North Dakota or Montana, and conceded he was remiss in going through his mail from the PDC in a timely manner when he was home.

e. An F-1 report from the Respondent was created and saved as a "pending report" on June 2, 2013, but no signature card had been received by PDC staff at that time.

f. The Respondent's F-1 signature authorization card was received on September 18, 2013, releasing his "pending F-1 report".

III. AMENDED ORDER

The prior order entered August 15, 2013 is amended and the Respondent is assessed a civil penalty of $100, payable within 30 days of the date of this Amended Final Order.

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

So ORDERED this 7th day of November, 2013.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:

Andrea M. Doyle

ANDREA MCNAMARA DOYLE
Executive Director

ATTACHMENTS
(1) Prior Order
(2) Appeals and Enforcement of Final Orders

Copy of this Final Order to:

Vernon Garrison
1430 Quincy Street
Port Townsend, WA 98368

I, Jacob Berkey, certify that I mailed a copy of this order to the Respondent at his respective address, postage prepaid, on the date stated herein.

Signature **Date** 11/7/13

INFORMATION ABOUT APPEALS AND ENFORCEMENT OF FINAL ORDERS

APPEALS

RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within TWENTY-ONE (21) **BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150.* (Note that the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150.*

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5).*

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A final order issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755.* The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.

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

August 15, 2013

Vernon Garrison
1430 Quincy Street
Port Townsend WA 98368

Subject: PDC Case No. 13-122

Dear Mr. Garrison:

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 $300 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 along with the missing C-1 and F-1 reports. 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

Vernon Garrison
1430 Quincy Street
Port Townsend WA 98368

In Re Compliance with RCW 42.17A Vernon Garrison Respondent.	PDC Case No. 13-122 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: (1) RCW 42.17A.205 by failing to file the Candidate Registration (C-1 report), which was due to be filed within two weeks of the Respondent declaring his candidacy; and (2) RCW 42.17A.700 by failing to 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 Vernon Garrison 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 Port Townsend in 2013.

2. As a candidate, the Respondent was required to file an F-1 report and C-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 had not filed the missing C-1 and F-1 reports by 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.205 by failing to file the C-1 report, and RCW 42.17A.700 by failing to file the F-1 report, due 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 $300 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 15 day of August, 2013.

Public Disclosure Commission

Andrea M. Doyle

Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jacob Barkley, 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** 8/15/13