

1 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
2 **OF THE STATE OF WASHINGTON**

3 IN RE THE MATTER OF ENFORCEMENT
4 ACTION AGAINST

PDC CASE NO. 13-138

AMENDED FINAL ORDER

(Order on Reconsideration and
Amending Penalty)

5 Carl Mollnow

6 Respondent.
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9 This matter came before the Washington State Public Disclosure Commission on
10 September 26, 2013 at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol
11 Way, Olympia, Washington. The Respondent, Carl Mollnow, requested a reconsideration¹ of
12 the initial order of a brief enforcement hearing (brief adjudicative proceeding) in this matter.
13 The review hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter
14 390-37 WAC.

15 Those present included Amit Ranade, Commission Chair; Grant Degginger,
16 Commission Vice-Chair; and Kathy Turner, Member. Also present were Kurt Young, PDC
17 Compliance Officer on behalf of the PDC Staff; PDC Executive Director Andrea McNamara
18 Doyle; Nancy Krier, General Counsel for the Commission; and PDC staff member Nancy
19 Coverdale as recorder/reporter of the proceedings. The Respondent, Carl Mollnow,
20 represented himself and attended the hearing to participate in person. The proceeding was
21 open to the public and recorded.

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24 ¹Respondent's request for a review could not be heard within 20 business days. Therefore, under
25 WAC 390-37-144 the initial order became a final order, and the request is automatically treated as a
26 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

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

5 A brief hearing was held on August 1, 2013, where the Respondent was assessed a
6 \$300 civil penalty. The Respondent did not participate.

7 On August 2, 2013, before receiving the order from the brief hearing, Respondent
8 visited the PDC office, filed the missing C-1 and F-1 reports, and requested the Commission
9 review the results of the brief hearing, but no order had yet been entered.

10 An initial order (prior order) was entered August 15, 2013, making Findings of Fact,
11 Conclusions of Law and assessing a \$300 civil penalty for the violations found in the brief
12 hearing. Respondent requested review of that order in a September 9, 2013 email. The prior
13 order became final before the Commission met on September 26, 2013, so the request was
14 considered a request for reconsideration of a final order.

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

II. AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 19
- 20 1. The Commission adopts the Findings of Fact in the prior order (attached).
 - 21 2. The Commission makes the following additional findings:
 - 22 a. The Respondent declared his candidacy while in attendance at a Pierce County
23 Republican Party function. The next day he went to the PDC website and
24 downloaded the ORCA filing software and installed it on his computer. He
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- 26

1 believed he had downloaded the F-1 and C-1 reports, completed the C-1 and F-1
2 filing process, and that the reports had been transmitted electronically to the PDC
3 at that time:

- 4 b. Respondent's screen-shot from his personal computer listed ORCA in his directory
5 with a January 25, 2013 installation date.
- 6 c. The Commission has no record of receiving the Respondent's C-1 or F-1 reports in
7 January 2013.
- 8 d. After May 31, 2013, the Respondent received a warning notice from the PDC staff
9 explaining that his reports had not been timely filed.
- 10 e. The Respondent filed the missing C-1 and F-1 reports on August 2, 2013, one day
11 after the brief enforcement hearing.
- 12 3. The Commission adopts the Conclusions of Law in the prior order.
- 13 4. The Commission finds that it is appropriate to reduce the penalty under the
14 circumstances of this case, and will amend the prior order.

15 **III. AMENDED ORDER**

16 The prior order entered August 15, 2013 is amended and the Respondent is assessed a
17 civil penalty of \$150, payable within 30 days of the date of this Amended Final Order.

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

19 So ORDERED this 5th day of November, 2013.

20
21 WASHINGTON STATE PUBLIC
22 DISCLOSURE COMMISSION

23 FOR THE COMMISSION:

24 *Andrea M. Doyle*

25 ANDREA MCNAMARA DOYLE
26 Executive Director

1 ATTACHMENTS

- 2 (1) Prior Order
3 (2) Appeals and Enforcement of Final Orders
4

5 *Copy of this order to:*

6 Carl Mollnow
7 5124 -84th Avenue West
8 University Place, WA 98467

9 I, Jacob Berkley, certify that I mailed a copy of this order to the Respondent
10 at Respondent's respective address, postage prepaid, on the date stated herein.

11 Signature



12 Date

13 11/5/13
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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

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Carl Mollnow
5124 - 84th Avenue West
University Place WA 98467

In Re Compliance with RCW 42.17A

Carl Mollnow

Respondent.

PDC Case No. 13-138

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 Carl Mollnow 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 University Place 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

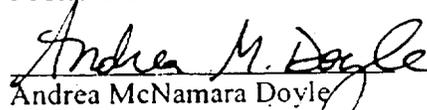
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

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 McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Joseph Berkeley, 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

8/15/13
Date