

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. 13-244

5 Bonnie Decius

AMENDED FINAL ORDER
(Order On Reconsideration and
Amending Penalty)

6 Respondent.
7
8

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, Bonnie Decius, requested a reconsideration¹ of
12 the prior order issued following a brief enforcement hearing (brief adjudicative proceeding) in
13 this matter. The matter was held in accordance with Chapters 34.05 and 42.17A RCW and
14 Chapter 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, Bonnie Decius,
20 represented herself and participated by telephone. The proceeding was open to the public and
21 recorded.
22

23 _____
24 ¹Respondent's request for a review could not be heard within 20 business days. Therefore, under WAC
25 390-37-144 the initial order became a final order and the request was automatically treated as a request
26 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 the allegation that Respondent violated RCW 42.17A.700 by
2 failing to timely file a Personal Financial Affairs Statement (F-1 report) as a candidate for
3 Water and Sewer Commissioner for the Beacon Hill Sewer District.
4

5 A brief hearing was held on August 1, 2013. The Respondent did not participate. An
6 initial order was entered August 13, 2013, making Findings of Fact, Conclusions of Law and
7 assessing a \$100 civil penalty for the violation found in that hearing. The order became final.

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

10 Following consideration of the prior order, the Respondent's request for
11 reconsideration, Mr. Young's September 17, 2013 memorandum and his testimony, and the
12 Respondent's testimony, the Commission voted unanimously to amend the prior order and
13 reduce the penalty as follows:

II. AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 14 1. The Commission adopts the Findings of Fact in the prior order (attached).
- 15 2. The Commission makes the following additional findings:
 - 16 a. The Respondent is as a first-time candidate and she was not familiar with the
17 election process and the PDC filing requirements for the F-1 report.
 - 18 b. The Water and Sewer Commissioner position she is seeking is unpaid and she is
19 not fund raising or receiving contributions or conducting much of a campaign.
 - 20 c. The Respondent initially set up a candidate email account, an F-1 account using
21 the PDC F-1 electronic filing application, and attempted to file the F-1 report.
22 She admitted to not being computer savvy, so she did not have the time to file
23 her F-1 report electronically, and exited the system prior to completing her
24 online filing.
25
26

1 d. The Respondent was out of state for more than three weeks to attend to a family
2 matter and take an exam.

3 e. On the last day to file prior to this matter proceeding to a brief hearing,
4 Respondent attempted to access the F-1 report she had previously created, but
5 she was unable to log into her F-1 account and could not get either the candidate
6 email account or her password to work.

7 f. Therefore, the Respondent created a new F-1 account, transmitted her F-1 report
8 electronically on July 19, 2003, and mailed in the signature authorization form
9 and password. At that point, she thought she had successfully filed. For that
10 same reason, she did not participate in the brief hearing.

11 g. However, Respondent's F-1 report was not released (filed) until July 22, 2013,
12 when her signature card was received and her account was activated.

13 3. The Commission adopts the Conclusions of Law in the prior order.

14 4. The Commission finds that it is appropriate to reduce the penalty under the
15 circumstances of this case, and will amend the prior order.

16 **III. AMENDED ORDER**

17 The prior order entered August 13, 2013 is amended and the Respondent is assessed a
18 civil penalty of \$50, payable within 30 days of the date of this Amended Final Order.

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

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

21 WASHINGTON STATE PUBLIC
22 DISCLOSURE COMMISSION

23 FOR THE COMMISSION:

24 *Andrea M. Doyle*
25 ANDREA MCNAMARA DOYLE
26 Executive Director

1 ATTACHMENTS

(1) Prior Order

2 (2) Appeals and Enforcement of Final Orders

3
4 Copy of this order to:

5 Bonnie Decius

176 Alpha Drive

6 Longview, WA 98632

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

9 Jacob Berkley
10 Signature

11 11/5/13
12 Date



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Bonnie Decius
176 Alpha Drive
Longview WA 98632

In Re Compliance with RCW 42.17A

Bonnie Decius

Respondent.

PDC Case No. 13-244

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 RCW 42.17A.700 by failing to timely 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 Bonnie Decius 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 Sewer Commissioner in the Beacon Hill Sewer District in 2013.
2. As a candidate, the Respondent was required to file an F-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 filed the missing F-1 report on July 22, 2013, prior to 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.700 by failing to timely file the F-1 report, which was due to be filed 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 \$100 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 13 day of August, 2013.

Public Disclosure Commission

Andrea M. Doyle
Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Jawb Berkley, 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

[Signature]

Date

8/13/13