

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. 13-283

**ORDER ON
RECONSIDERATION**

5 Douglas Lenker

(Order Upholding Final Order)

6 Respondent.
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9 This matter came before the Washington State Public Disclosure Commission on
10 October 24, 2013 at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way,
11 Olympia, Washington. The Respondent, Douglas Lenker, requested a reconsideration of the
12 initial order of a brief enforcement hearing (brief adjudicative proceeding) in this matter. The
13 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; Barry Sehlin, Member; and Kathy Turner, Member. Also present
17 were Kurt Young, PDC Compliance Officer on behalf of the PDC Staff; PDC Executive
18 Director Andrea McNamara Doyle; Nancy Krier, General Counsel for the Commission; and
19 PDC staff member Nancy Coverdale as recorder/reporter of the proceedings. The Respondent
20 did not participate although he submitted a written request for reconsideration. The proceeding
21 was open to the public and recorded.

22 **I. PROCEDURAL HISTORY**

23 The matter involved allegations that Respondent violated RCW 42.17A.700 by failing
24 to file a Personal Financial Affairs Statement (F-1 report) as a candidate for the Darrington
25 School District in 2013.
26

1 A brief hearing was held on August 1, 2013. An initial order was entered August 14,
2 2013, making Findings of Fact, Conclusions of Law and assessing a \$400 civil penalty for the
3 violation found in that hearing.

4 On September 18, 2013 the Respondent sent an email requesting the Commission
5 review the initial order. He provided a new address mailing address (PO Box 147, Darrington,
6 WA 98241). The time period had expired for Respondent to seek review of an initial order;
7 therefore, the Respondent's request was considered a request for reconsideration of a final
8 order.

9 Following consideration of the final order, Respondent's request, Mr. Young's
10 September 18, 2013 memorandum and testimony, and Respondent's testimony, the
11 Commission unanimously voted to uphold the order.

12 **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER**

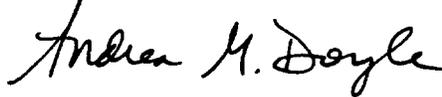
13 The Findings of Fact, Conclusions of Law and Order Imposing Fine entered August 14,
14 2013 are upheld.

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

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

17 WASHINGTON STATE PUBLIC
18 DISCLOSURE COMMISSION

19 FOR THE COMMISSION:

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21 ANDREA MCNAMARA DOYLE
22 Executive Director

23 *ATTACHMENTS*

- 24 (1) Initial (Final) Order
25 (2) Appeals and Enforcement of Final Orders
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Copy of this order to:

Douglas Lenker
PO Box 147
Darrington, WA 98241

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

Jacob Berken
Signature

11/5/13
Date



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

Douglas Lenker
25203 Clear Creek Road.
Darrington WA 98241

In Re Compliance with RCW 42.17A

PDC Case No. 13-283

Douglas Lenker

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

Respondent.

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 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 Douglas Lenker 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 School Director in the Darrington School 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 had not filed the missing F-1 report by the date of the hearing.
4. The Respondent has one prior violation in PDC Case No. 10-009. He was found in violation of RCW 42.17.240 for failing to timely file an F-1 report at a Brief Enforcement hearing as a candidate in the 2009 election, and was assessed a \$150 penalty.



5. The Respondent did not pay the outstanding penalty, and his case was sent to Alliance One for collections on April 3, 2012.

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 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 \$400 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 14 day of August, 2013.

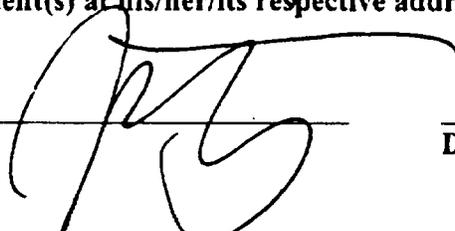
Public Disclosure Commission

Andrea M. Doyle
Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Clawd 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



Date

8/14/13