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, 2014

RE: Request for Review/Reconsideration from **Jeff Jansma: PDC Case No. 14-146**

Agenda Item

Jeff Jansma is seeking a review[1] by the Commission of an initial order entered in a Brief Enforcement Hearing in PDC Case No. 14-146. The review/reconsideration is scheduled for the September 25, 2014, Commission meeting.

Background

- Mr. Jansma is an incumbent Fire Commissioner for Skagit County Fire Protection District No. 4 dating back to at least 1996.
- As an incumbent Fire Commissioner, Mr. Jansma was required to file an F-1 report for calendar year 2013 no later than April 15, 2014.
- Staff reviewed Mr. Jansma's filing, and found that he failed to file an F-1 report for calendar year 2012 or 2013. Mr. Jansma was required to file an F-1 report for calendar year 2012 no later than April 16, 2013.
- Mr. Jansma failed to file an F-1 report for either calendar year 2012 and 2013 by the date of July 8, 2014 hearing.
- Mr. Jansma has no prior PDC violations.
- A Brief Enforcement Hearing was held on July 8, 2014, at which the Presiding Officer found Mr. Jansma in violation of RCW 42.17A.700 for failing to file F-1 reports for calendar years 2012 and 2013. He was assessed a civil penalty of $300, $150 per missing report in accordance with the penalty schedule set forth in WAC 390-37-160, which is payable within 30 days of the date of the order.
- The initial Order was entered July 24, 2013.

[1] Based on WAC 390-37-144, since Mr. Jansma's request could not be heard within 20 business days, the initial order becomes a final order, and his request is automatically treated as a request for reconsideration of a final order (rather than a review of an initial order).

Request for Review/Reconsideration

- On July 8, 2014, after the Brief Enforcement hearings had been held, Mr. Jansma contacted PDC staff by telephone concerning the missing F-1 reports and Brief Hearing Notice.

- Mr. Jansma stated during his telephone conversation with staff that he had gone through a divorce, and was no longer living at the residence where the F-1 notifications were sent. He stated that he received the PDC warning letter and hearing notice over the weekend from his ex-wife, along with a stack of other mail that had been sent to his old mailing address.

- Mr. Jansma confirmed that he had failed to file F-1 reports for calendar years 2012 and 2013, but due to the changes in his life he stated he was not aware of the missing F-1 reports until he received the warning letter and hearing notice. He stated that he did not receive staff's email reminders concerning the missing F-1 reports. He provided staff with a new email address to send the order.

- Mr. Jansma stated that he resigned his position as a Fire Commissioner in 2013, and orally requested the Commission review the $300 penalty assessed against him in this matter.

- On August 18, 2014, Mr. Jansma filed an F-1 report for calendar year 2012, and an F-1A report for calendar year 2013.

- On the F-1A report, Mr. Jansma checked the "Final report" box for an elected official effective December 31, 2013.

Attachments:

- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 14-146)

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July 24, 2014

Jeff Jansma
jkj@fishersons.com

Subject: PDC Case No. 14-146

Dear Mr. Jansma:

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 $300, $150 per missing F-1 report in accordance with the penalty schedule set forth in WAC 390-37-160, which is payable within 30 days of the date of this order, for a filer with no prior violations.

As we discussed in our July 8, 2014 telephone conversation after the Brief Enforcement hearing had been held, the $300 penalty is not due while you are appealing the findings.

I have attached the appeal rights. Please file the missing F-1 reports for calendar years 2012 and 2013, and submit your letter requesting the Commission review your case within the statutory timeframe.

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

Jeff Jansma jkj@fishersons.com In Re Compliance with RCW 42.17A Jeff Jansma Respondent.	PDC Case No. 14-146 Findings of Fact, Conclusions of Law, and **Order Imposing Fine**

A brief enforcement hearing (brief adjudicative proceeding) was held July 8, 2014, 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 two Personal Financial Affairs Statements (F-1 report) disclosing financial information for: (1) Calendar year 2013 due April 15, 2014; and (2) Calendar year 2012, due April 16, 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 Jeff Jansma on June 9, 2014. Commission Member Amit Ranade was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate at the hearing, and did not submit any written materials.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is has been an incumbent Fire Commissioner for Skagit County Fire Protection District No. 4 since 2000.

2. As a Fire Commissioner, the Respondent was required to file an F-1 report for calendar year 2013 no later than April 15, 2014; and an F-1 report for calendar year 2012 no later than April 16, 2013.

3. The Respondent did not file the missing F-1 reports for calendar year 2012 or 2013 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.700 by failing to file the F-1 report for calendar year 2013 by April 15, 2014.

3. The Respondent violated RCW 42.17A.700 by failing to file the F-1 report for calendar year 2012 by April 16, 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, $150 per missing F-1 report, in accordance with the penalty schedule set forth in WAC 390-37-160, which is payable within 30 days of the date of this order.

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 24th day of July, 2014.

Public Disclosure Commission

Andrea M. Doyle

Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

I, Kurt Young, 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.

Kurt Young
Signed

July 29, 2014
Date

INFORMATION ABOUT APPEALS OF INITIAL ORDERS, FURTHER APPEAL RIGHTS, AND ENFORCEMENT OF FINAL ORDERS

APPEALS

REVIEW OF INITIAL ORDER - BY THE COMMISSION

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission **review** an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review. *WAC 390-37-144.*
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request.

If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below. If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable.

If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order.** At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570.*

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.