STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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Memorandum

To: Public Disclosure Commission

From: Kurt Young, Compliance Officer

Date: September 17, 2014

Subject: September 25, 2014, Enforcement Hearing re:
Robert Jesse Hill, PDC Case No. 15-026

Allegations:

PDC staff alleges that Robert Jesse Hill, a candidate for State Representative in the 27th Legislative District in 2014, violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) within two weeks of declaring his 2014 candidacy, or not later than May 31, 2014.

Background:

- In preparing for the 2014 Candidate Brief Enforcement hearings, staff noted that Mr. Hill's name appeared on the enforcement list as a candidate for failing to file the Candidate Registration (C-1 report) and F-1 report in 2014.

- Mr. Hill was not eligible for a brief enforcement hearing under the provisions of WAC 390-37-165 because: (1) this is his fourth occasion for an alleged PDC violation; (2) he owes a total of $800 in outstanding penalties ($300 outstanding penalty from PDC Case No. 12-044; and $500 outstanding penalty from PDC Case No. 13-126); and (3) he has not filed the disclosure forms that were the subject of a prior violation.

2014 Reporting Requirements:

- Candidate filing week was held May 12-16, 2014. More than 800 candidates filed for public office in the 2014 election cycle, including Mr. Hill.

- 2014 candidates for public office were required to file a C-1 report and F-1 report within two weeks of declaring their candidacy, or no later than May 31, 2014.

- Mr. Hill filed a C-1 report on July 24, 2014, the same date the hearing notices were mailed. In accordance with group enforcement practices and procedures, the allegation concerning the failure to file a C-1 report is not charged.

- No F-1 has been filed by Mr. Hill as of September 15, 2014.

Past Enforcement History:

PDC Case No. 13-126

- On September 26, 2013 at an Enforcement hearing before the Full Commission, Mr. Hill was found in violation of RCW 42.17A.205 for failing to file a C-1 report, and RCW 42.17A.700 for failing to file an F-1 report within two weeks of declaring his 2013 candidacy for Tacoma City Council, or not later than May 31, 2013.

- Mr. Hill was assessed a $500 penalty.

- Mr. Hill failed to file the missing C-1 or F-1 reports or pay the $500 outstanding penalty.

PDC Case No. 12-044:

- On August 10, 2011 at a Brief Enforcement hearing, Mr. Hill was found in violation of RCW 42.17.240 for failing to file an F-1 report within two weeks of declaring his 2011 candidacy for Tacoma City Council, or not later than June 25, 2011. Mr. Hill was assessed a $300 penalty in accordance with WAC 390-37-165, of which $50 was suspended on the condition he file the missing F-1 report within 30 days of the date of the order, and commit no further violations of RCW 42.17 for four years from the date of the order.

- Mr. Hill failed to file the missing F-1 report or pay the $300 outstanding penalty.

PDC Case No. 08-012:

- On August 7, 2007, Mr. Hill was found in violation of RCW 42.17.040 by failing to file a C-1 report, and RCW 42.17.240 by failing to timely file an F-1 report, within two weeks of declaring his 2007 candidacy for Tacoma City Council, or not later than June 22, 2007.

- Mr. Hill was assessed a $300 penalty in accordance with WAC 390-37-165, of which $150 was suspended on the condition he file the missing C-1 and F-1 reports by the close of business on Friday, August 17, 2007.

- Mr. Hill filed the missing C-1 and F-1 reports on January 14, 2008, but did not pay the $300 outstanding penalty. Mr. Hill paid the $300 outstanding penalty on October 2, 2008.

Staff Recommendation:

Staff recommends the Commission find that Robert Jesse Hill violated 42.17A.700 for failing to file an F-1 report in 2014 and assess an appropriate penalty. Staff recommends a penalty in the range of $750 to $1,000.

Attachments:

- June 16, 2014, 2014 candidate warning letter for missing C-1 and F-1 reports.
- Order for Robert Jesse Hill in PDC Case No. 13-126.
- WAC 390-37-165: C-1/F-1 penalty schedule.

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June 16, 2014

ROBERT JESSE HILL
PO BOX 5006
TACOMA WA 98415

Subject: Warning Letter for Missing C-1 and F-1 Reports

Dear Mr./Ms. HILL:

YOUR C-1 AND F-1 REPORTS for 2014 ARE PAST DUE. Public Disclosure Commission (PDC) records indicate that you are a candidate for public office in a jurisdiction with 5,000 or more registered voters. Candidates in these jurisdictions are required to file a Candidate Registration (C-1 report) and a Personal Financial Affairs Statement (F-1 report) within two weeks of declaring your candidacy or no later than May 31, 2014. As of today, the PDC has not received your C-1 and F-1 reports.

IN ORDER TO AVOID ENFORCEMENT ACTION AND A POSSIBLE MONETARY PENALTY, you must deliver the missing C-1 and F-1 reports to our office by Monday, June 30, 2014. This is the only formal warning notice you will receive regarding this matter. If the missing C-1 and F-1 reports are not received by **July 17th**, we may schedule a hearing that could result in a monetary penalty.

PLEASE COMPLETE THE ENCLOSED REPORTS AND RETURN THEM TO THE PDC

- **You may file the C-1 and F-1 reports online.**
  - ***Online Reports are NOT considered filed until the signature cards are received by the Public Disclosure Commission.***

PDC CANNOT ACCEPT FAXED, SCANNED, OR EMAILED REPORTS. Blank forms are enclosed. If you prefer to use our electronic filing option, contact PDC staff for instructions at one of the numbers listed below.

If you have questions about the C-1 or F-1 report, or if you believe you have already filed, please contact us for assistance at one of the numbers listed below. Thank you for your prompt attention to this matter.

Thank you for your prompt attention to this matter.

PDC Staff

For PDC Filer Assistance:

- **(360) 753-1111**
- **Toll Free 1-877-601-2828**
- **E-mail: pdc@pdc.wa.gov**

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November 5, 2013

Robert Jesse Hill
PO Box 5006
Tacoma, WA 98415

Subject: PDC Case No. 13-126 – Final Order

Dear Mr. Hill

Enclosed is a copy of the Public Disclosure Commission's Final Order that was entered in the above-referenced case. The Order assessed a $500 civil penalty assessed against you that is payable at this time.

Please make your check or money order payable to the WA State Treasurer, and mail the $500 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

Kurt Young
PDC Compliance Officer

Enclosures – Final Order

BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

IN RE THE MATTER OF ENFORCEMENT ACTION AGAINST Robert Jesse Hill Respondent.	PDC CASE NO. 13-126 **FINAL ORDER**

This matter came before the Washington State Public Disclosure Commission (PDC) on September 26, 2013 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Amit Ranade, Commission Chair; Grant Degginger, Commission Vice-Chair; and Kathy Turner, Member. Participating 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, Robert Jesse Hill, was provided notice of the hearing but did not attend or participate. The proceedings were open to the public and recorded.

I. PROCEDURAL HISTORY

The Respondent is a candidate for City Councilmember in the City of Tacoma in 2013. This matter resulted from allegations that the Respondent violated RCW 42.17A.205 by failing to file a Candidate Registration Form (C-1 report) and RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report), both due within two weeks of declaring his 2013 candidacy, or not later than May 31, 2013.

On September 16, 2013, PDC staff sent a hearing notice to Respondent to the address he provided on his 2013 declaration of candidacy, scheduling the September 26, 2013 hearing before the Commission.

At the hearing, Mr. Young testified on behalf of PDC staff. Mr. Young also presented to the Commission and summarized his memo dated September 16, 2013, with exhibits. The exhibits included information concerning two prior cases in which the Respondent was found in violation of RCW 42.17 and assessed a penalty.

Having considered the testimony and record, the Commission enters the following Findings of Fact, Conclusions of Law and Order.

II. FINDINGS OF FACT

1. Candidate filing week was May 13-17, 2013 for candidates seeking election in 2013.
2. The Respondent filed as a candidate for the Tacoma City Council during filing week in May 2013.
3. The Commission had not received a C-1 (Candidate Registration Form) or F-1 (Personal Financial Affairs Statement Report) from the Respondent as of May 31, 2013, the date they were due.
4. The Commission had not received a C-1 or F-1 from the Respondent as of September 26, 2013, the date of the hearing.
5. The hearing notice was mailed to the Respondent at the address he provided on his 2013 Declaration of Candidacy.
6. No evidence was presented that as of May 2013 or thereafter, the Respondent has provided the Commission a change of address designating an address different from that on his Declaration of Candidacy.
7. At the time of the hearing, the Respondent was incarcerated in Pierce County jail with a scheduled release date of February of 2014. He was incarcerated in June of 2013, after the F-1 and C-1 filing deadline.
8. The Respondent is aware of the F-1 and C-1 filing requirements. The Commission has previously found the Respondent violated RCW 42.17 in PDC Case No. 12-044 (failure to timely file an F-1 following his 2011 declared candidacy for Tacoma City Council –

$300 penalty assessed) and PDC Case No. 08-012 (failure to timely file an F-1 and a C-1 following his 2007 declared candidacy for Tacoma City Council - $300 penalty assessed).

9. Both of Respondent's previous penalties were sent to collection; one penalty (Case No. 12-044) remains unpaid.

III. CONCLUSIONS OF LAW

Based upon the record herein, the Commission unanimously concludes:

1. The Commission has jurisdiction to hear this matter under RCW 42.17A and Title 390 WAC.
2. RCW 42.17A.205 and WAC 390-16-012 required Respondent to file a C-1 within two weeks of becoming a candidate in 2013, or no later than May 31, 2013.
3. The Respondent violated RCW 42.17A.205 by failing to file a C-1 for his 2013 candidacy.
4. RCW 42.17A.700 and WAC 390-24-010 required Respondent to file an F-1 within two weeks of becoming a candidate in 2013, or no later than May 31, 2013.
5. The Respondent violated RCW 42.17A.700 by failing to file an F-1 for his 2013 candidacy.
6. WAC 390-37-165 requires full Commission consideration of a candidate's failure to file an F-1 or C-1 forms following two prior occasions where the Respondent has not complied with those same filing requirements.
7. RCW 42.17A.755(5) requires the Commission to assess a penalty for Respondent's current violations and to assess a higher penalty than it ordered in Respondent's prior cases.

Based upon the findings and conclusions, the Commission orders that:

IV. ORDER

The Respondent is assessed a civil penalty of $500.

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

So ORDERED this 5th day of November, 2013

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION
FOR THE COMMISSION:

Andrea M. Doyle

ANDREA MCNAMARA DOYLE
Executive Director

ATTACHMENT: Appeals and Enforcement of Final Orders

Copy of this Final Order to:
Robert Jesse Hill
PO Box 5006
Tacoma, WA 98415

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

Jack Barker
Signature

11/5/13
Date

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file F-1 and/or C-1 by date of enforcement hearing.	$150 per report	$300 per report, up to $500	Full commission consideration	Full commission consideration
Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount.	$100 per report	$200 per report	$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	$0 - $100 per report	$100 - $200 per report	$200 - $400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) Was found in violation during a previous reporting period,

(b) The violation remains in effect following any appeals, and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW 42.17.370. WSR 05-04-038, § 390-37-165, filed 1/27/05, effective 2/27/05; WSR 03-22-065, § 390-37-165, filed

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