



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: October 15, 2015

Re: Request for Reconsideration from Charles Eakins: PDC Case No. 16-104

Agenda Item

Charles Eakins is seeking a reconsideration by the Commission of a final Order entered in a Brief Enforcement Hearing in PDC Case No. 16-104. The reconsideration is scheduled for the October 22, 2015, Commission meeting.

Background

- Mr. Eakins is a first-time candidate seeking the office of City Councilmember for the City of Mukilteo in 2015.
- As a candidate seeking the office of Mukilteo City Councilmember in 2015, Mr. Eakins was required to file a Candidate Registration (C-1 report) and a Personal Financial Affairs Statement (F-1 report) within two weeks of declaring his candidacy or no later than May 31, 2015.
- A missing C-1 and F-1 report warning letter was sent to Mr. Eakins' campaign mailing address on June 18, 2015. A Brief Enforcement Hearing notice was sent to Mr. Eakins' campaign mailing address on July 24, 2015 (Note – neither of those documents were returned to the PDC as “undeliverable.”)
- A Brief Enforcement Hearing was held on August 13, 2015, at which the Presiding Officer found Mr. Eakins in violation of RCW 42.17A.205 for failing to file an C-1 report, and RCW 42.17A.700 for failing to file an F-1 report.
- Mr. Eakins was assessed a civil penalty of \$300 in accordance with the Candidate C-1 and F-1 penalty schedule in WAC 390-37-165, since Mr. Eakins had no prior PDC violations.
- The initial Order was entered August 21, 2015.

Request for Reconsideration

- As discussed above, neither the warning letter nor the hearing notice mailed to Mr. Eakins' campaign mailing address was returned as undeliverable. Staff understands that Mr. Eakins' campaign mailing address is a commercial mailbox location.

- After mailing the Initial Order in case 16-104 to the same campaign mailing address, the Order was returned as undeliverable, and was re-sent to Mr. Eakins' registered voter address.
- On September 25, 2015, after receiving the Brief Enforcement Order that was mailed on August 21, 2015, Mr. Eakins sent an email to the PDC concerning the violations and penalty assessed against him.
- Mr. Eakins stated that he had no knowledge of the C-1 or F-1 filing requirements, and that he did not receive any information from the PDC and "was never served with any hearing notice."
- Staff reviewed Mr. Eakins 2015 C-1/F-1 Warning letter and C-1/F-1 Brief Enforcement Hearing notice, and confirmed both letters were sent to 10924 Mukilteo Speedway, Mukilteo WA 98275.
- The 2015 campaign mailing address for Mr. Eakins listed on the Snohomish County Elections website was 10924 Mukilteo Speedway, Mukilteo WA 98275.
- The campaign mailing address was provided to Snohomish County Elections by Mr. Eakins on May 15, 2015 at 10:14 am.
- Mr. Eakins did not specifically request the Commission reconsider the Order, he instead stated in the email string "serve me with a proper hearing notice."
- Mr. Eakins will be appearing on the November 3, 2015 general election ballot, and he submitted a candidate statement that appeared in the Voters Pamphlet.
- Mr. Eakins has failed to file a C-1 or F-1 report as of October 14, 2015, but he does have a "pending" C-1 report that was created and saved on September 25, 2015.

Staff Recommendation

Staff recommends that the Commission take no action.

Attachments:

- Email string between Charles Eakins and PDC staff members.
- Findings of Fact, Conclusions of Law, and Order Imposing Fine (PDC Case No. 16-104)
- PDC Brief Enforcement Hearing Notice and Warning Letters sent to Charles Eakins.
- Printout from Snohomish County Elections website.
- Screen shot from Snohomish County Elections Candidate filing database.

Kurt Young

From: Charles Eakins <ceakins@gmail.com>
Sent: Wednesday, October 14, 2015 11:05 AM
To: Tony Perkins
Cc: Kurt Young
Subject: Re: FW: Request for Reconsideration: PDC Case 16-104

Expect a complaint to the Judicial Conduct Commission as well.

On Wed, Oct 14, 2015 at 11:04 AM, Charles Eakins <ceakins@gmail.com> wrote:

Excuse me, I wasn't served, which part of that don't you guys get? You expect me to just roll over and take a violation of my constitutional rights and pay some fine? The letter I received at my actual address, which clearly you had, or I wouldn't have gotten it, outlined no appeal process. I shouldn't be appealing since I wasn't properly served. Perhaps we need to hash this out in Federal Court.

On Wed, Oct 14, 2015 at 10:59 AM, Tony Perkins <tony.perkins@pdc.wa.gov> wrote:

Kurt, Mr. Eakins provided the information below in support of his request for reconsideration. Please include it in your presentation on 10/22.

Mr. Eakins, please work directly with Kurt going forward. As I've explained, if you want to participate personally in the Commission's consideration of your request for reconsideration, Kurt would be happy to talk with you about the process. Kurt can be reached at 360-664-8854. If there is a time when you are available for a call, please let Kurt know and he'll reach out to you at that time.

Tony Perkins | Compliance Director

Washington State Public Disclosure Commission

711 Capitol Way, Room 206 | PO Box 40908, Olympia, WA 98504-0908

(direct) 360.586.1042 | (toll free) 1.877.601.2828

tony.perkins@pdc.wa.gov

From: Charles Eakins [mailto:ceakins@gmail.com]
Sent: Wednesday, October 14, 2015 10:52 AM
To: Tony Perkins <tony.perkins@pdc.wa.gov>
Subject: Re: Request for Reconsideration: PDC Case 16-104

I did not receive proper notice. I don't live at a p.o. box, and the state has my home address, as it's on my license, and my registered vehicles.

On Tue, Oct 13, 2015 at 12:03 PM, Tony Perkins <tony.perkins@pdc.wa.gov> wrote:

Dear Mr. Eakins,

The Order entered on August 21, 2015 in case 16-104 contained findings of fact, violation, and penalty. I understand that as of September 25, 2015, you had received the Order. If you would like to appeal the Order, on process-related grounds or other grounds, the appeal process is outlined in WAC 390-37-144 and WAC 390-37-150. Your appeal rights include the right to request a full Commission review of a single Commissioner action; the right to request that the full Commission reconsider its action on a request for review; and the right to seek judicial review in Superior Court. See the rules for the deadlines for appeals before the Commission.

The initial Order in your case became a final Order on September 22, 2015; accordingly, under WAC 390-37-144(4), any appeal before the Commission must be treated as a request for reconsideration by the full Commission. Under WAC 390-37-150, you may submit a written request for reconsideration up to 21 business days after your initial Order became a final Order, or by October 22, 2015. PDC staff will treat your September 25, 2015 and October 10, 2015 email communications as a timely request for reconsideration, and will ask the Commission to act on that request at its upcoming October 22, 2015 regular meeting. Requests for reconsideration will be heard alongside other compliance and enforcement matters beginning at 9:35 am on the 22nd.

I understand you believe you did not receive proper notice of your August 13, 2015 PDC hearing. For your information, the address used for PDC staff's July 24, 2015 hearing notice was the campaign address you provided to Snohomish County Elections at 10:14 am on May 15, 2015, via that office's web application. (See the attached printout from Snohomish County Elections' candidate filing database.) If there are grounds other than notice deficiency that form the basis for your request for reconsideration, note that WAC 390-37-150 requires you to specify those grounds in writing.

If you plan to participate in the Commission's consideration of your request for reconsideration, you may do so by attending the October 22, 2015 meeting at PDC offices in Olympia, or by participating by telephone. If you wish to participate, please contact PDC Compliance Officer Kurt Young, who is copied on this email. Kurt will provide an updated estimate of the start time for the Commission's consideration of your request, and provide call-in information, if needed.

Thank you for your attention to this. Please let me know if you have questions.

Sincerely,

Tony Perkins | Compliance Director

Washington State Public Disclosure Commission

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(direct) [360.586.1042](tel:360.586.1042) | (toll free) [1.877.601.2828](tel:1.877.601.2828)

tony.perkins@pdc.wa.gov

From: Charles Eakins [<mailto:ceakins@gmail.com>]
Sent: Saturday, October 10, 2015 9:55 PM
To: Jacob Berkey <jacob.berkey@pdc.wa.gov>
Subject: Re: Letter I just received from you PDC Case 16-104

With all due respect, I was never served with a notice of hearing, and the instructions say 21 days after initial order, which it's clearly been way over. So how am I supposed to file an appeal for something I wasn't even properly served for? So you can continue this farse, or go back and actually serve me with a proper hearing notice. I will have no qualms about suing you and commissioner Kiga for violating my rights. I was never told I had to file any papers, I never once filed for my candidacy through a Washington state website.

Where should I have you served?

On Mon, Sep 28, 2015 at 8:39 AM, Jacob Berkey <jacob.berkey@pdc.wa.gov> wrote:

Mr. Eakins,

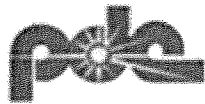
On June 18, 2015 I sent a Warning Letter to 10924 Mukilteo Speedway. On July 24, 2015 I sent a hearing notice to 10924 Mukilteo Speedway, the address on file with the PDC. Neither letter was returned as undeliverable. This is the address listed on the Snohomish County Auditor's voter's guide for your campaign.

Since there was no response to either notification your case (16-104) went to hearing on August 13, 2015. The findings of the hearing were included in the Order that I mailed to the Mukilteo Speedway address on August 21, 2015. The Order was returned as undeliverable and I forwarded it the address on 84th Street in Mukilteo where you received it. If you would like to appeal the decision of the Commission there are instructions on how to do so included with the Order.

Jacob Berkey

Public Disclosure Commission

jacob.berkey@pdc.wa.gov



Public Disclosure Commission

Shining Light on Washington Politics Since 1972

From: Charles Eakins [<mailto:ceakins@gmail.com>]

Sent: Friday, September 25, 2015 8:44 PM

To: Jacob Berkey <jacob.berkey@pdc.wa.gov>

Subject: Letter I just received from you

Apparently I need to file a lawsuit against you for violating my due process rights. I had no knowledge of the requirement to file some form, since I filed with Snohomish county for candidacy, I was never informed of this requirement. Further more I was never served with any notice of the hearing. See

RCW 4.28.080

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

CHARLES EAKINS
10924 MUKILTEO SPEEDWAY
MUKILTEO WA 98275

In Re Compliance with RCW 42.17A

CHARLES EAKINS

Respondent.

PDC Case No. 16-104

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

On Thursday, August 13, 2015, the Public Disclosure Commission held a brief adjudicative proceeding in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington.

Held in accordance with RCW Chapters 34.05, 42.17A, and WAC Chapter 390-37, the hearing determined whether the respondent violated RCW 42.17A.205 and/or .700 by failing to file the required Candidate Registration (C1) and/or Personal Financial Affairs Statement (F1) within two weeks of declaring candidacy for the 2015 election.

Public Disclosure Commission Chair Katrina Asay was the Presiding Officer. Jacob Berkey, Compliance Coordinator, and Kurt Young, Compliance Officer represented Commission Staff. Having considered the evidence, the Presiding Officer found:

FINDINGS OF FACT

- Commission staff mailed a brief enforcement hearing notice to the respondent on July 24, 2015.
- First-time candidate, no PDC filing history.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements were satisfied.
2. Violation of RCW 42.17A.205 and 700, which require reports to be filed no later than two weeks after declaring candidacy.

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 WAC 390-37-165, conditions:

Penalty is payable within 30 days.

This is an Initial Order of the Public Disclosure Commission.

Entered August 21, 2015.

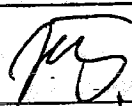
Public Disclosure Commission

**Fredrick
C. Kiga**

Digitally signed by Fredrick C. Kiga
DN: cn=Fredrick C. Kiga,
o=Washington State Public
Disclosure Commission,
ou=Executive Director,
email=fred.kiga@pdc.wa.gov, c=US
Date: 2015.08.21 08:23:15 -07'00'

Frederick C. Kiga
Executive Director

Enclosure: Information about Appeal
Rights

SEND CERTIFICATION	
I hereby 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.	Jacob T. Berkey
Signed	
Date	8/21/15



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July 24, 2015

CHARLES EAKINS
10924 MUKILTEO SPEEDWAY
MUKILTEO WA 98275

Subject: PDC Hearing Notice, Missing Candidate Registration and Personal Financial Affairs Statement, Case Number 16-104

Dear: CHARLES EAKINS,

As a candidate for the Office of **CITY COUNCIL MEMBER** you are required to file a Candidate Registration (C1) report and a Personal Financial Affairs Statement (F1) with the Public Disclosure Commission. Revised Code of Washington (RCW) 42.17A.205(1) states "Every political committee shall file a statement of organization...within two weeks after organization." RCW 42.17.700(2) states, "Within two weeks of becoming a candidate, every candidate shall file with the commission a statement of financial affairs for the preceding twelve months."

On June 18, 2015, PDC staff sent you a warning letter and provided blank C-1 and F-1 reports. According to our records, these reports are still missing. In accordance with RCW 42.17A.110 and RCW 42.17A.755, a Brief Enforcement Hearing is being scheduled. The Presiding Officer has the authority to assess penalties of up to \$500.

HEARING INFORMATION

Date and time: Thursday, August 13, 2015 at 9:30 a.m. (*approximate time*)
Place: Evergreen Plaza Building, Room 206
711 Capitol Way, Olympia, WA, 98504-0908
Presiding Officer: Katrina Asay, Chair, Public Disclosure Commission

The hearing is open to the public and you may attend in person, participate by telephone, or submit a written response no later than 12:00 p.m. on Tuesday, August 4, 2015.

HOW TO AVOID THE HEARING

Postmark the following by no later than 12:00 p.m. Tuesday, August 4, 2015:

1. Completed C-1 and F-1 reports (blank forms are available at www.pdc.wa.gov);
2. A signed Statement of Understanding (enclosed); and
3. A check or money order for \$100, for each missing report, made payable to "Washington State Treasurer."

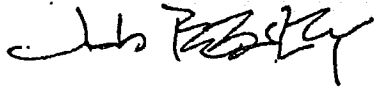
Faxed or e-mailed reports will not be accepted.

PDC Case # 16-104

Page 2

If you plan to attend the hearing or have questions about the hearing process, please contact me at 360-586-4555 or by email at jacob.berkey@pdc.wa.gov.

Sincerely,



Jacob Berkey
Compliance Coordinator

Enclosures:

- Statement of Understanding
- Penalty Schedule



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June 18, 2015

CHARLES EAKINS
10924 MUKILTEO SPEEDWAY
MUKILTEO WA 98275

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

Dear CHARLES EAKINS:

As a candidate in the 2015 elections, you have a filing requirement with the Public Disclosure Commission (PDC). Our records indicate that both YOUR C-1 AND F-1 REPORTS for the 2015 ELECTIONS ARE PAST DUE. Blank versions of the C1 and F1 are enclosed. Please fill out these forms and mail them to the PDC immediately.

RCW 42.17A.205(1) Requires candidates to "file a statement of organization with the commission. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier." This statement is the **Candidate Registration (C1) Report** that must be filed by candidates in jurisdictions with more than 5,000 registered voters.

RCW 42.17A.700(2) Requires that "Within two weeks of becoming a candidate, every candidate shall file with the commission a statement of financial affairs for the preceding twelve months." This statement is the **Personal Financial Affairs Statement (F1) Report** that must be filed by candidates in jurisdictions with more than 1,000 registered voters.

IN ORDER TO AVOID ENFORCEMENT ACTION AND A POSSIBLE MONETARY PENALTY, you must mail or deliver the missing C-1 and F-1 reports to our office by Thursday July 9, 2015. This is the only formal warning notice you will receive regarding this matter. **PDC CANNOT ACCEPT FAXED, SCANNED, OR EMAILED REPORTS.**

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

For PDC Filer Assistance:

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

98275

Scott Whelpley

11041 E Villa
Monte Dr
Mukilteo WA
98275(425) 563-8430
scottwhelp@yahoo.com5/11/2015
9:12:00
PM**COUNCIL POSITION #6** Nonpartisan Office 4-year term

Richard Emery

1408 Goat Trail
Loop Rd
Mukilteo WA
98275(425) 344-1383
rclaytonemery@comcast.net5/11/2015
9:21:00
AM

Jon Boyce

9011 53rd Ave W
Mukilteo WA
98275(425) 750-3154
jon@jonboyce.com5/11/2015
12:38:00
PM

Maxwell (Max) Chen

5527 110th Pl SW
Mukilteo WA
98275(425) 501-0375
maxchen425@gmail.com5/15/2015
1:20:00
PM**COUNCIL POSITION #7** Nonpartisan Office 4-year short and full term

Christine Cook

PO Box 1274
Mukilteo WA
98275(425) 355-3026
ElectChristineCook@gmail.com5/11/2015
9:59:00
AM

Charles (Charlie) Eakins

10924 Mukilteo
Speedway
Mukilteo WA
98275(206) 552-8001
elect.charlie.eakins@gmail.com5/15/2015
10:14:00
AM**CITY OF SNOHOMISH**

Snohomish

COUNCIL-AT-LARGE POSITION #1 Nonpartisan Office 4-year term

Lynn Schilaty

312 Avenue D
Snohomish WA
98290(360) 568-6421
schilaty@hotmail.com5/11/2015
12:03:00
PM

Alexander Suprenant

1101 Avenue D
Apt E-204
Snohomish WA
98290(360) 348-8064
asuprenant@alexandersuprenant.com5/14/2015
12:23:00
PM**COUNCIL-AT-LARGE POSITION #2** Nonpartisan Office 4-year term

Karen W. Guzak

707 Pine Ave
#A103
Snohomish WA
98290(360) 568-1000
Karen@KarenGuzak.com5/11/2015
9:14:00
AM

Larry Countryman

119 Cedar Ave
Snohomish WA
98290(360) 568-9622
sandy@countrymanbandb.com5/15/2015
4:41:00
PM

Candidate Detail

Candidate Information

Candidate Code: PSNMK7EAK

Voter ID: WA008193774 / 639628

*First Name: CHARLES

*Last Name: EAKINS

Address: 5213 84TH ST SW Apt 4

City, State ZIP: MUKILTEO, WA 98275

Remarks: ceakins@gmail.com (206) 388-2789

Lock Status: Locked Out Primary Locked Out General

ReSend Email Primary

ReSend Email General

Candidate Submission: <https://weiapplets.sos.wa.gov/elections/Candidates/SubmitStatement/?at=bfee4813-7bf1-4c04-94a0-766a937117d2>

Campaign Contact Information

Phone: (206) 552-8001
(XXX) XXX-XXXX

Email: elect.charlie.eakins@gmail.com
XXX@XXX.XXX

Mailing Address: 10924 Mukilteo Speedway

Campaign Name:

Mailing City, State ZIP: Mukilteo WA
98275

Website: <http://www.elect-charlie.org>

Filing

Filing Date: 5/15/2015 10:14 AM

Filing Number:

Delivery Method: Online County Filing

Filing Status: Approved Is Write-In Candidate Primary Write-In Qualifies for General Election

Declaration of Candidacy: View [Update](#)

Is In Primary:

Withdrawn: mm/dd/yyyy HH:MM

Is In General:

Office Information

Election: 2015

*Jurisdiction: City/Town CITY OF MUKILTEO

*Office/Position: COUNCIL POSITION #7

*Ballot Name: Charles (Charlie) Eakins

Party: Non partisan office

Payment Information

Filing Fee: \$60.00

Payment Type: Credit Card Insufficient Petition Signatures

Name on Card: Charles Eakins

Card Number: Last 4 digits only

Exp Date: (MMYY)

Credit Card Auth Number 851746

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