



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

Memorandum

To: Public Disclosure Commission

From: Kurt Young, Compliance Officer

Date: October 15, 2015

Subject: October 22, 2015 Enforcement Hearing: Donald Baker, PDC Case No. 16-003

Allegations:

PDC staff alleges that Donald Baker, an incumbent School Director for the Cape Flattery School District No. 401, violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) due not later than April 15, 2015.

Background:

Mr. Baker was appointed School Director and filed his initial F-1 report on May 27, 2010.

Mr. Baker failed to file an F-1 report for calendar year 2013 and calendar year 2014, and he has two prior violations: PDC Case No. 12-019 (\$100); and PDC Case No. 12-170 (\$300).

Mr. Baker is not eligible for a brief enforcement hearing under the provisions of WAC 390-37-165 because he has not filed the disclosure forms that were the subject of a prior violation in PDC Case No. 12-170.

F-1 Reporting Requirements:

- As an incumbent School Board member, Mr. Baker was required to file an F-1 report no later than April 15, 2015, disclosing personal financial information for calendar year 2014.
- Mr. Baker failed to file an F-1 report disclosing personal financial information for calendar year 2013, that was due to be filed not later than April 15, 2014.
- Mr. Baker is a candidate for re-election to School Director in 2015, but is not required to file a Candidate Registration (C-1 report). He is unopposed.

Past Enforcement History: PDC Case No. 12-170

- On July 2, 2012, at a Brief Enforcement hearing, Mr. Baker was found in violation of RCW 42.17A.700 for failing to file an F-1 report for calendar year 2011, that was due by April 16, 2012.

Donald Baker
PDC Case No. 16-010
October 22, 2015 Enforcement Hearing
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- Mr. Baker was assessed a \$300 penalty, of which \$100 was suspended on the conditions he file the missing F-1 report and paid the \$200 non-suspended portion of the penalty.
- To date, Mr. Baker has failed to file the missing F-1 report for calendar year 2011, or pay the \$300 outstanding penalty, which was sent to AllianceOne for collections on January 4, 2013.

PDC Case No. 12-019

- On August 12, 2011, Mr. Baker completed a Statement of Understanding, filed the missing F-1 report, and paid a \$100 civil penalty in lieu of having a Brief Enforcement hearing held for failing to timely file an F-1 report.

Staff Recommendation:

Staff recommends the Commission find that Donald Baker violated 42.17A.700 on two occasions by failing to file an F-1 report for calendar year 2013 and for calendar year 2014, and assess an appropriate penalty. Staff recommends a penalty in the range of \$400 to \$500 per missing F-1 report.

Attachments:

- July 1, 2015 Hearing notices for missing F-1 report.
- Order for Donald Baker in PDC Case No. 12-170.
- WAC 390-37-160: F-1 penalty schedule.



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July 1, 2015

DONALD BAKER
PO BOX 1
CLALLAM BAY WA 983260001

Subject: F-1 Brief Enforcement Hearing Notice, PDC Case Number 16-003

Dear: Mr./Ms BAKER.

Your annual Personal Financial Affairs Statement (F-1 Report) covering calendar year 2014 was not received by the Public Disclosure Commission (PDC).

PDC records indicate that you served as an elected or appointed official during calendar year 2014. State law requires officials in these positions to file an annual (F-1 report). The F-1 report discloses your financial activities for calendar year 2014, and was due to be filed by April 15, 2015.

PDC staff sent you a warning letter on May 8, 2015, with a blank F-1 report enclosed. The missing F-1 report was not filed by May 22, 2014 – the deadline provided in the Warning Letter.

Therefore, in accordance with RCW 42.17A.110 and RCW 42.17A.755, a Brief Enforcement Hearing has been scheduled. The hearing will determine if you violated RCW 42.17A.700 by failing to file the required F-1 report. Under the Brief Enforcement Hearing rules, the Presiding Officer has the authority to assess a penalty of up to \$500, in accordance with a penalty schedule adopted by the Commission.

HEARING INFORMATION

Date and time: **Thursday, July 30, 2015 at 11:00 a.m. (approximate time)**
Place: Evergreen Plaza Building, Room 206
711 Capitol Way, Olympia, WA, 98504-0908
Presiding Officer: TBD Chair/Presiding Officer, Public Disclosure Commission

HOW TO AVOID THE HEARING

Ensure that the following items are received by the Public Disclosure Commission by **12:00 p.m. Friday, July 24, 2015:**

1. A completed and signed F-1 Report (blank forms are available at www.pdc.wa.gov). Faxed or e-mailed F-1 reports will not be accepted;

Brief Enforcement Hearing Notice (Missing F-1 report for calendar year 2014)

PDC Case # 16-003

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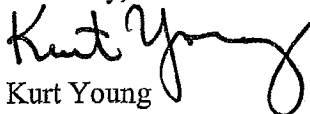
2. A signed Statement of Understanding (blank copy enclosed); and
3. A check or money order for \$100, made payable to "Washington State Treasurer."

I will be representing the Commission staff during the hearing. I am enclosing a Brief Enforcement Hearing brochure along with a copy of the F-1 penalty schedule.

If there are circumstances you wish to have considered at the hearing, you may attend the hearing in person, or participate by telephone. If you cannot participate during the hearing, you may provide a written response describing your circumstances for the Commission's consideration. Please submit your written response **by 12:00 p.m. on Monday, July 27, 2015.**

If you plan on participating in the hearing or have questions about the hearing process, please contact Kurt Young at 360-664-8854, toll free at 877-601-2828, or by email at kurt.young@pdc.wa.gov.

Sincerely,



Kurt Young
Compliance Officer

Enclosures:

- Statement of Understanding
- F-1 Penalty Schedule
- Brief Enforcement Hearing Brochure



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July 13, 2012

Donald Baker
PO Box 1
Clallam Bay, WA 98326-0001

Subject: PDC Case No. 12-170

Dear Mr. Baker:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

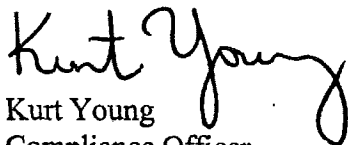
The Presiding Officer assessed a civil penalty of \$300 in accordance with WAC 390-37-160, of which \$100 is suspended on the following conditions:

- (1) You are not found to have committed any further violations of RCW 42.17A within four years of the date of the order;
- (2) You file the missing F-1 report within 30 days of the date of the order; and
- (3) You pay the \$200 non-suspended portion of the penalty within 30 days of the date of the order.

If you fail to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission. Please make your \$200 check payable to the **WA State Treasurer** and send it along with the missing F-1 report to the address listed above. Thank you for your attention to this matter.

If you have any 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

Donald Baker
PO Box 1
Clallam Bay, WA 98326-0001

In Re Compliance with RCW 42.17A

Donald Baker

Respondent.

PDC Case No. 12-170

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

A brief enforcement hearing (brief adjudicative proceeding) was held July 2, 2012, 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 calendar year 2011, which was due to be filed by April 16, 2012.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. Commission Chair Jennifer Joly was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent was not present and did not submit any written material to be considered by the Presiding Officer.

Brief enforcement hearing notices were sent to Donald Baker on June 7, and June 11, 2012. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a School Director for the Cape Flattery School District. He was appointed to that position in May of 2010.
2. As an incumbent School Director, the Respondent was required to file an annual F-1 report by April 16, 2012, disclosing his financial activities for the previous calendar year.
3. The Respondent did not file the required F-1 report by April 16, 2012.
4. The Respondent did not file the missing F-1 report as of the date of the hearing.

5. The Respondent had stipulated to a previous violation of RCW 42.17.240 and paid a \$100 penalty for failing to file an F-1 report for calendar year 2010 as an official, and as a candidate in 2011 in PDC Case No. 12-019.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded 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 by April 16, 2012.

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 \$300¹ in accordance with WAC 390-37-160, of which \$100 is suspended on the following conditions:

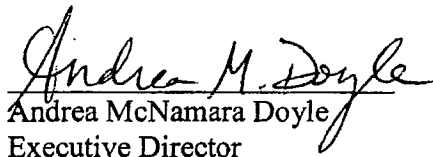
- (1) Respondent is not found to have committed any further violations of RCW 42.17A within four years of the date of the order;**
- (2) the missing F-1 report is filed within 30 days of the date of the order; and**
- (3) the \$200 non-suspended portion of the penalty is paid within 30 days of the date of the order.**

If Respondent fails to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

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

Entered this 13th day of July, 2012.

Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Enclosure: Information about Appeal Rights

¹ The assessed penalty is based on the F-1 penalty schedule previously adopted by the Commission that takes into consideration prior violations and whether the F-1 report was filed before the date of the hearing.

WAC 390-37-160

Statement of financial affairs (F-1) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$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	\$100 - \$200	\$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, § 390-37-160, filed 1/27/05, effective 2/27/05; WSR 03-22-065, § 390-37-160, filed 11/4/03, effective 12/5/03.]

