



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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

To: Members, Washington State Public Disclosure Commission
From: Lori Anderson, Communications & Training Officer
Date: September 15, 2016
Re: Rule Making – Planning & Preparation | Enforcement Rules

In the last two months, the Commission identified updates it plans for enforcement rules, including:

- aligning hearing procedures with the model rules, WAC 10-08-080;
- modernizing time period calculations for requests for reconsideration of decisions,*
- facilitating respondents' waiver of APA requirements to allow notices of hearing to be served by email;
- updating penalty factors; and
- adopting additional penalty schedules for late reports and political advertising.

*The Commission has also directed a comprehensive update to clarify and make consistent the use of “business” and “calendar” days in Title 390 WAC. This will be a separate rules package that staff plans to include in the January – June 2017 development calendar.

Staff expects language for the enforcement updates will be drafted and offered for the Commission's consideration in October. First, though, a question about the possible new penalty schedules. The Commission currently has four penalty schedules that address violations related to electronic filing, personal financial affairs reporting, lobbyist monthly reporting, lobbyist employer reporting, and candidate registration & personal financial affairs reporting. Does the Commission wish to keep going in this vein and adopt separate penalty schedules for late reports and political advertising, or is it preferable to adopt a penalty schedule that uses a point system as shown in the attached example? If the point system is preferable, the Commission should decide:

- Whether to repeal the current penalty schedules, which are attached, and replace them with a point-based penalty schedule or leave them in force and adopt a point-based schedule for specific subjects; and
- Does the Commission want to assign a single point value or a point range to each factor?

Attachments