RCW 29B.60.020 Violations—Determination by commission—Penalties—Procedure. (1) The commission may initiate or respond to a complaint, request a technical correction, or otherwise resolve matters of compliance with this title, in accordance with this section. If a complaint is filed with or initiated by the commission, the commission must:

(a) Dismiss the complaint or otherwise resolve the matter in accordance with subsection (2) of this section, as appropriate under the circumstances after conducting a preliminary review;

(b) Initiate an investigation to determine whether a violation has occurred, conduct hearings, and issue and enforce an appropriate order, in accordance with chapter 34.05 RCW and subsection (3) of this section; or

(c) Refer the matter to the attorney general, in accordance with subsection (4) of this section.

(2)(a) For complaints of remediable violations or requests for technical corrections, the commission may, by rule, delegate authority to its executive director to resolve these matters in accordance with subsection (1)(a) of this section, provided the executive director consistently applies such authority.

(b) The commission shall, by rule, develop additional processes by which a respondent may agree by stipulation to any allegations and pay a penalty subject to a schedule of violations and penalties, unless waived by the commission as provided for in this section. Any stipulation must be referred to the commission for review. If approved or modified by the commission, agreed to by the parties, and the respondent complies with all requirements set forth in the stipulation, the matter is then considered resolved and no further action or review is allowed.

(3) If the commission initiates an investigation, an initial hearing must be held within 90 days of the complaint being filed. Following an investigation, in cases where it chooses to determine whether a violation has occurred, the commission shall hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW. Any order that the commission issues under this section shall be pursuant to such a hearing.

(a) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 29B.60.010(1) (b) through (h), or other requirements as the commission determines appropriate to effectuate the purposes of this title.

(b) The commission may assess a penalty in an amount not to exceed ten thousand dollars per violation, unless the parties stipulate otherwise. Any order that the commission issues under this section that imposes a financial penalty must be made pursuant to a hearing, held in accordance with the administrative procedure act, chapter 34.05 RCW.

(c) The commission has the authority to waive a penalty for a first-time violation. A second violation of the same requirement by the same person, regardless if the person or individual committed the violation for a different political committee or incidental committee, shall result in a penalty. Successive violations of the same requirement shall result in successively increased penalties. The commission may suspend any portion of an assessed penalty contingent

on future compliance with this title. The commission must create a schedule to enhance penalties based on repeat violations by the person.

(d) Any order issued by the commission is subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within 30 days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that jurisdiction, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 29B.60.030.

(4) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general consistent with this section, when the commission believes:

(a) Additional authority is needed to ensure full compliance with this title;

(b) An apparent violation potentially warrants a penalty greater than the commission's penalty authority; or

(c) The maximum penalty the commission is able to levy is not enough to address the severity of the violation.

(5) Prior to filing a citizen's action under RCW 29B.60.060, a person who has filed a complaint pursuant to this section must provide written notice to the attorney general if the commission does not, within 90 days of the complaint being filed with the commission, take action pursuant to subsection (1) of this section. A person must simultaneously provide a copy of the written notice to the commission. [2024 c 164 s 491; 2019 c 428 s 38; 2018 c 304 s 13; 2011 c 145 s 7; 2010 c 204 s 1002; 2006 c 315 s 3; 1989 c 175 s 91; 1985 c 367 s 12; 1982 c 147 s 16; 1975-'76 2nd ex.s. c 112 s 12. Formerly RCW 42.17A.755, 42.17.395.]

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Finding—Effective date—2019 c 428: See notes following RCW 29B.20.110.

Finding—Intent—2018 c 304: See note following RCW 29B.25.090.

Findings—Intent—Effective date—2011 c 145: See notes following RCW 29B.25.020.

Effective date—2010 c 204 ss 101-504, 506-601, 603-702, and 801-1103: See note following RCW 29B.15.010.

Intent—Severability—2006 c 315: See notes following RCW 29B.60.010.

Effective date—1989 c 175: See note following RCW 34.05.010.

Construction—1975-'76 2nd ex.s. c 112: "The provisions of this 1976 amendatory act are intended to be remedial and shall be liberally construed, and nothing in this 1976 amendatory act shall be construed to limit the power of the commission under any other provision of chapter 42.17 RCW." [1975-'76 2nd ex.s. c 112 s 15. Formerly RCW 42.17A.907, 42.17.945.]