

**WAC 390-37-143 Brief enforcement hearings (brief adjudicative proceeding)—Penalty schedule.** The presiding officer may assess a penalty up to one thousand dollars upon finding a violation of chapter 42.17A RCW or Title 390 WAC.

(1) Base penalty amounts:

| <b>Violation</b>                                                                                                                                                                                           | <b>1st Occasion</b>    | <b>2nd Occasion</b>      | <b>3rd Occasion</b>                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------|----------------------------------------|
| <b>Failure to timely file an accurate and complete statement of financial affairs (F-1):</b>                                                                                                               |                        |                          |                                        |
| Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding. | \$0 - \$150            | \$150 - \$300            | \$300 - \$600                          |
| Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.                                                                                          | \$150                  | \$300                    | \$600                                  |
| Failed to file report by date of enforcement hearing.                                                                                                                                                      | \$250                  | \$500                    | \$1,000                                |
| <b>Candidate's failure to timely file an accurate and complete registration statement (C-1)/statement of financial affairs (F-1):</b>                                                                      |                        |                          |                                        |
| Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding. | \$0 - \$150 per report | \$150 - \$300 per report | \$300 - \$600 per report up to \$1,000 |
| Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.                                                                                          | \$150 per report       | \$300 per report         | \$600 per report up to \$1,000         |
| Failed to file report by date of enforcement hearing.                                                                                                                                                      | \$250 per report       | \$500 per report         | consideration by full commission       |
| <b>Failure to timely file an accurate and complete lobbyist monthly expense report (L-2):</b>                                                                                                              |                        |                          |                                        |
| Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding. | \$0 - \$150            | \$150 - \$300            | \$300 - \$600                          |
| Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.                                                                                          | \$150                  | \$300                    | \$600                                  |
| Failed to file report by date of enforcement hearing.                                                                                                                                                      | \$250                  | \$500                    | \$1,000                                |
| <b>Failure to timely file an accurate and complete lobbyist employer report (L-3):</b>                                                                                                                     |                        |                          |                                        |
| Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding. | \$0 - \$150            | \$150 - \$300            | \$300 - \$600                          |
| Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.                                                                                          | \$150                  | \$300                    | \$600                                  |
| Failed to file report by date of enforcement hearing.                                                                                                                                                      | \$250                  | \$500                    | \$1,000                                |
| <b>Failure to timely file accurate and complete disclosure reports:</b>                                                                                                                                    |                        |                          |                                        |
| Political committee registration (C-1pc).                                                                                                                                                                  | \$150                  | \$300                    | \$600                                  |
| Statement of contributions deposit (C-3).                                                                                                                                                                  | \$150                  | \$300                    | \$600                                  |
| Summary of total contributions and expenditures (C-4).                                                                                                                                                     | \$150                  | \$300                    | \$600                                  |
| Independent expenditures and electioneering communications (C-6).                                                                                                                                          | \$150                  | \$300                    | \$600                                  |
| Last minute contribution report (LMC).                                                                                                                                                                     | \$150                  | \$300                    | \$600                                  |
| Out-of-state committee report (C-5).                                                                                                                                                                       | \$150                  | \$300                    | \$600                                  |
| Annual report of major contributors (C-7).                                                                                                                                                                 | \$150                  | \$300                    | \$600                                  |
| <b>Failure to timely file accurate and complete reports disclosing lobbying activities:</b>                                                                                                                |                        |                          |                                        |
| Lobbyist registration (L-1).                                                                                                                                                                               | \$150                  | \$300                    | \$600                                  |
| Public agency lobbying report (L-5).                                                                                                                                                                       | \$150                  | \$300                    | \$600                                  |
| Grass roots lobbying report (L-6).                                                                                                                                                                         | \$150                  | \$300                    | \$600                                  |

| <b>Violation</b>                                                                                                                                                                                           | <b>1st Occasion</b> | <b>2nd Occasion</b> | <b>3rd Occasion</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|---------------------|
| Failure to file electronically.                                                                                                                                                                            | \$350               | \$650               | \$1,000             |
| Exceeding contribution limits.                                                                                                                                                                             | \$150               | \$300               | \$600               |
| Exceeding mini reporting threshold.                                                                                                                                                                        | \$150               | \$300               | \$600               |
| Failure to comply with political advertising sponsor identification requirements.                                                                                                                          | \$150               | \$300               | \$600               |
| Failure to include required candidate's party preference in political advertising.                                                                                                                         | \$150               | \$300               | \$600               |
| Failure to comply with other political advertising requirements, RCW 42.17A.330 through 42.17A.345.                                                                                                        | \$150               | \$300               | \$600               |
| Use of public facilities to assist a campaign for election or promote a ballot measure.                                                                                                                    | \$150               | \$300               | \$600               |
| Treasurer's failure to timely file an accurate and complete annual treasurer's report (T-1):                                                                                                               |                     |                     |                     |
| Filed report after hearing notice, but before enforcement hearing. Provided written explanation or appeared at hearing to explain mitigating circumstances. Did not enter into statement of understanding. | \$0 - \$150         | \$150 - \$300       | \$300 - \$600       |
| Filed report after hearing notice, but before enforcement hearing. Did not enter into statement of understanding.                                                                                          | \$150               | \$300               | \$600               |
| Failed to file report by date of enforcement hearing.                                                                                                                                                      | \$250               | \$500               | \$1,000             |

"Occasion" means established violation. Only violations in the last five years will be considered for the purpose of determining second and third occasions.

(2) In determining the appropriate penalty, the presiding officer may consider the nature of the violation and aggravating and mitigating factors, including:

(a) Whether the respondent is a first-time filer;

(b) The respondent's compliance history for the last five years, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(c) The respondent's unpaid penalties from a previous enforcement action;

(d) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period, or otherwise had a significant or material impact on the public;

(e) The amount of financial activity by the respondent during the statement period or election cycle;

(f) Whether the late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(g) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention;

(h) Good faith efforts to comply, including consultation with PDC staff prior to initiation of enforcement action and cooperation with PDC staff during enforcement action, and a demonstrated wish to acknowledge and take responsibility for the violation;

(i) Personal emergency or illness of the respondent or member of his or her immediate family;

(j) Other emergencies such as fire, flood, or utility failure preventing filing;

(k) Sophistication of respondent or the financing, staffing, or size of the respondent's campaign or organization; and

(l) PDC staff, third-party vendor, or equipment error, including technical problems at the agency preventing or delaying electronic filing.

(3) The presiding officer has authority to suspend all or a portion of an assessed penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of the entry of the order in that case.

(4) If, on the third occasion, a respondent has outstanding penalties or judgments, the matter will be directed to the full commission for consideration.

(5) The presiding officer may direct a matter to the full commission if the officer believes one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission. Cases will automatically be scheduled before the full commission for an enforcement action when the respondent:

(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 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-37-143, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 42.17A.570. WSR 18-10-088, § 390-37-143, filed 5/1/18, effective 6/1/18. Statutory Authority: RCW 42.17A.110. WSR 17-03-004, § 390-37-143, filed 1/4/17, effective 2/4/17.]