

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, April 26, 2018 5:23:22 PM  
**Last Modified:** Thursday, April 26, 2018 5:52:05 PM  
**Time Spent:** 00:28:42

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Page 1

**Q1 Name**

Frederick Messner

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**Q2 Phone**

5412330515

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**Q3 Email**

fredjmessner@gmail.com

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**Q4 Organization**

N/A

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**Q5 Comments**

Attorney's as contractors have a lot of responsibility when it comes to ethics. They also have very large caseloads so I feel it's very possible that the "job" can become "routine" in some aspects and mistakes or poor choices can result. I feel that "good faith" should carry weight in these type of decisions and imposing fines should be an option, to be used sparingly.

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#2

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, April 26, 2018 6:20:39 PM  
**Last Modified:** Thursday, April 26, 2018 6:28:03 PM  
**Time Spent:** 00:07:23

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Page 1

**Q1 Name**

JEAN B. KIMA

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**Q2 Phone**

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**Q3 Email**

JBKIMA4@YAHOO.COM

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**Q4 Organization**

JBK SERVICES, LLC

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**Q5 Comments**

HOPE THE FINE WILL BE DISUASIVE SO THAT THE FINED CONTRACTOR WILL NOT BE TEMPTED TO REPEAT AGAIN. MOREOVER, ONCE FINED, THE CONTRACTOR SHOULD BE DEBAR FOR ANY SECOND OFFENSE AND DEGRADED IN YOUR DATABASE APPRECIATION OR RANKING. OTHERWISE, THE SAME CONTRACTOR WHO ARE KNOWN TO YOU WILL HAVE AN ADVANTAGE FROM OTHERS, ESPECIALLY FROM NEW CONTRACTORS AS OUR BUSINESS. THANKS FOR GIVING ME A SAY AND I HOPE MY COMMENT WILL COUNT.

JEAN

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#3

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 5:45:28 AM  
**Last Modified:** Friday, April 27, 2018 5:48:10 AM  
**Time Spent:** 00:02:41

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Page 1

**Q1 Name**

Debra Knox

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**Q2 Phone**

800-571-9554 x215

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**Q3 Email**

dknox@wtcox.com

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**Q4 Organization**

WT Cox Information Services

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**Q5 Comments**

Would like to see the fine be significant enough to deter big business from breaking the rules. Fines are only a deterrent if they cause financial discomfort. For a small business such as ourselves disbarment and/or a fine is a deterrent in and of itself. For big business only disbarment hurts them.

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#4

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 6:43:32 AM  
**Last Modified:** Friday, April 27, 2018 6:49:53 AM  
**Time Spent:** 00:06:21

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Page 1

**Q1 Name**

Charlotte Smith

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**Q2 Phone**

612-207-5536

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**Q3 Email**

charlotte\_smith@maritzconsultinggroup.com

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**Q4 Organization**

Maritz Consulting Group

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**Q5 Comments**

It would be unfair and unjust to allow vendors to use their wealth to avoid the consequences of their actions, especially when those actions may involve acts of fraud or bid rigging. However, if those acts are tied to failure to meet compliance reporting and other things that do not harm other vendors, the acquisition entity or are just errors then the vendor should be allowed to pay a fine in lieu of disbarment .

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#5

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 7:02:14 AM  
**Last Modified:** Friday, April 27, 2018 7:36:14 AM  
**Time Spent:** 00:34:00

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Page 1

**Q1 Name**

Larry Thompson

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**Q2 Phone**

360-725-5434

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**Q3 Email**

thompsol@sao.wa.gov

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**Q4 Organization**

State Auditor's Office

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**Q5 Comments**

Areas that I don't think should be allowed to substitute fines for debarment would be in personal care areas, such as elder care, child care, care for vulnerable adults, or care performed by physicians or dentists.

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#6

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 8:37:13 AM  
**Last Modified:** Friday, April 27, 2018 8:43:25 AM  
**Time Spent:** 00:06:11

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Page 1

**Q1 Name**

Darryl Reed

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**Q2 Phone**

206-393-4208

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**Q3 Email**

darryl.reed@shorelineschools.org

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**Q4 Organization**

Shoreline School District

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**Q5 Comments**

One major point should be made very clear: Those who use federal funds are required to check for FEDERAL debarment or have a clause for the vendor/contractor to attest to they they are not FEDERALLY debarred. That check is perform through the federal www.sam.gov website. Your new method should be crystal clear it is only referring to WA State debarment and the federal debarment is still required if applicable.

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#7

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 8:44:09 AM  
**Last Modified:** Friday, April 27, 2018 8:45:46 AM  
**Time Spent:** 00:01:36

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Page 1

**Q1 Name**

Ken Adney

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**Q2 Phone**

360.923.1056

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**Q3 Email**

ken@olyfurnitureworks.com

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**Q4 Organization**

Furniture Works

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**Q5 Comments**

Regarding WSR 18-05-101, if the contract(s) contain clauses for liquidation damages, I would think additional fines would be unnecessary.

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#8

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 9:00:01 AM  
**Last Modified:** Friday, April 27, 2018 9:02:51 AM  
**Time Spent:** 00:02:49

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Page 1

**Q1 Name**

Ricky Jean Wright

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**Q2 Phone**

2062581775

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**Q3 Email**

motie@me.com

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**Q4 Organization**

Ricky Jean's Beans

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**Q5 Comments**

I noticed the person proposing this in charge of the Rules Commission has a Jewish sounding last name. I hope this has nothing to do with the BDSM Boycott Divestment and Sanctioning of Israel. I strongly support the Boycott against Israeli aggression towards Palestine and Israels refusal to accept Palestine as Country.

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#9

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 9:10:40 AM  
**Last Modified:** Friday, April 27, 2018 9:15:20 AM  
**Time Spent:** 00:04:40

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Page 1

**Q1 Name**

Roger Flygare

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**Q2 Phone**

2536612711

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**Q3 Email**

RGFlygare@flygare.com RGFlygare@aol.com

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**Q4 Organization**

Flygare & Associates, Inc.

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**Q5 Comments**

The Attorney General's Office has what I will call a roster of service providers. Under this roster, all those listed are available to provide services at their usual and customary rates. There is no provision in this agreement that AGO will provide any set amount of court reporting assignments.

My question is: Will this debarment/fine situation apply to this roster of service providers?

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# #10

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 9:42:11 AM  
**Last Modified:** Friday, April 27, 2018 9:47:05 AM  
**Time Spent:** 00:04:53

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Page 1

**Q1 Name**

Quiana Childress

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**Q2 Phone**

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**Q3 Email**

QuianaC@ChildressNursing.com

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**Q4 Organization**

Childress Nursing Services, LLC

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**Q5 Comments**

If a contractor has committed an offense worthy of debarment, then the contractor should be debarred and fined for taking advantage of the state and the people it represents.

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#11

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 10:05:07 AM  
**Last Modified:** Friday, April 27, 2018 10:08:43 AM  
**Time Spent:** 00:03:36

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Page 1

**Q1 Name**

pedro garza

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**Q2 Phone**

509-452-5405

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**Q3 Email**

gps2236@gmail.com

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**Q4 Organization**

GPS SUPERIOR COATINGS

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**Q5 Comments**

Debarment is only remedy fines are just cost of doing business

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# #12

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 11:34:51 AM  
**Last Modified:** Friday, April 27, 2018 11:36:13 AM  
**Time Spent:** 00:01:22

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Page 1

**Q1 Name**

Rebecca Diaz

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**Q2 Phone**

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**Q3 Email**

rdiaz@franklinpud.com

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**Q4 Organization**

Franklin PUD

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**Q5 Comments**

It makes me uncomfortable, as a contract administrator, that a contractor could be convicted of a felony or fraud and not be debarred. For more minor things like contract performance I am okay with a fine instead of debarment.

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# #13

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, April 27, 2018 1:30:26 PM  
**Last Modified:** Friday, April 27, 2018 1:50:40 PM  
**Time Spent:** 00:20:13

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Page 1

**Q1 Name**

Robert K Schneider, P.E.

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**Q2 Phone**

425-672-9651

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**Q3 Email**

r.schneider@dhittle.com

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**Q4 Organization**

D. Hittle & Associates, Inc.

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## Debarment Fines Rulemaking Comment Form

### Q5 Comments

I have comments in 4 basic area.

First, a lot of power appears to be given to the Director's delegate or an administrative law judge. I would suggest that where a fine is more appropriate that some kind of threshold be defined. For example while a minor ethics violation may warrant a delegate, if the Contractor objects, then perhaps an ALJ is more appropriate and should be required. We have seen at the Insurance Commission a situation where even an ALJ was put under undue pressure by that Department Head, so there should be some independence from the Department, should the Contractor so request.

Second, in the discussion of the fine, there is no limit on the amount. Perhaps there needs to be a financial limit so that this does not become something that will impede contractors from getting bonding or A&E's from being covered by E&O insurance. I recognize that the violations could be a trivial ethics violation (grey area) to a serious performance issue. However two maximum percentages of the Contractor's fee or "theoretical" profit (typically 10% of fee for A&E or 20-30% for Contractors) should be stated; one for ethics violations and one for performance violations.

Third, in a related way have liability insurance companies and bonding companies been contacted about this? Are they OK with the concepts? They need to be on board if this is not to create a potential problem.

Fourth and finally, has this concept been discussed with other State Agencies having jurisdictional issues. For example, an A&E ethics violation is a serious Board of Registration for Professional Engineers and Land Surveyors. Likewise for Architects, and L&I has regulatory powers over contractors of various classifications. With "findings of fact" being rendered by the DES process, most Contractors would not want to be put in a "double jeopardy" situation where acceptance of a DES fining automatically creates a more serious finding with another agency. Again, has this process been shopped with such other agencies such that they will accept the finds of the DES process as final and take no further action?

Thank you for considering these comments.

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#14

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, April 30, 2018 8:08:25 AM  
**Last Modified:** Monday, April 30, 2018 8:16:27 AM  
**Time Spent:** 00:08:02

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Page 1

**Q1 Name**

Caroyn Horlor

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**Q2 Phone**

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**Q3 Email**

horlocb@dshs.wa.gov

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**Q4 Organization**

DSHS

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**Q5 Comments**

200-305-050 (a) requires a complete copy of the debarment referral be provided to the entity. Does this include the name and contact information of the reporting party? I don't know if the complaining party may request anonymity. The WAC section implies that this does not happen.

200-305-060 (1) (f), suggest removing the first 3 words "The notice shall" as this is already included in the root sentence.

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# #15

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, May 07, 2018 4:21:01 PM  
**Last Modified:** Monday, May 07, 2018 4:22:37 PM  
**Time Spent:** 00:01:36

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Page 1

**Q1 Name**

Marta Reyes

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**Q2 Phone**

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**Q3 Email**

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**Q4 Organization**

Spokane International Translation

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**Q5 Comments**

Hello,  
Is this the way to speak about language interpreters (independent contractors) who violate the Code of Ethics and are committing fraud?  
I have been trying to file a claim against a certain interpreter but was told it was not possible unless my company was currently contracting with the interpreter. Well there is no way that I would contract this person again, but someone needs to help me get this person out of our industry.

Marta Reyes

President - Owner  
Spokane International Translation

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