



**State of Washington**  
**PUBLIC DISCLOSURE COMMISSION**

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**Memorandum**

To: Public Disclosure Commission

From: Tabitha Townsend, Compliance Coordinator 2

Date: January 14, 2022

Subject: Dorothy Kephart; PDC Case 94005; Reconsideration Hearing

**Matter for Review:**

During a Brief Enforcement Hearing held on July 15, 2021, Dorothy Kephart was found to have violated RCW 42.17A.700 for failure to timely file a Personal Financial Affairs Statement (F-1 report) with the Public Disclosure Commission (PDC) no later than April 15, 2021. At the July 15, 2021 Brief Enforcement Hearing, an Order imposing a \$250 penalty was entered with \$150 suspended if paid by September 15, 2021, which Dorothy Kephart's son, John Kephart, now requests the Commission review for the Respondent.

**Background:**

- Dorothy Kephart (the "Respondent") served as Fire Commissioner for Pierce Fire Protection District 10 during calendar year 2020. Her current term expires December 31, 2023. The Respondent has no prior violations with the PDC.
- Pursuant to RCW 42.17A.700, an elected or appointed official who held office in 2020 was required to file an F-1 report, disclosing financial information for calendar year 2020, no later than April 15, 2021.
- Between February and May of 2021, PDC staff sent email reminders to all elected and appointed officials regarding their missing F-1 reports for calendar year 2020
- On May 11, 2021, PDC staff emailed warning letters to elected and appointed official regarding their missing F-1 reports for calendar year 2020.

- On June 28, 2021, PDC staff emailed the Respondent a hearing notice for a Brief Adjudicative Proceeding (Brief Enforcement Hearing) to be held on July 15, 2021. The hearing notice was sent to the Respondent's email address-of-record.
- At the Brief Enforcement Hearing held on July 15, 2021, the Respondent was found in violation of RCW 42.17A.700 for failure to timely file the F-1 report no later than April 15, 2021 and was assessed a \$250 penalty with \$150 suspended if paid within 30 days of the date of the order as well as the missing report being filed within the same 30 days, consistent with WAC 390-37-143, the Brief Enforcement Hearing penalty schedule adopted by the Commission.
- On August 17, 2021, PDC staff served the Initial Order memorializing the Commission's ruling, by email, to the contact email address-of-record.
- The Respondent paid the non-suspended penalty on September 22, 2021.
- The Respondent filed the F-1 report covering calendar year 2020 activity on December 18, 2021.
- On October 5, 2021 PDC staff emailed the Respondent to communicate the filing requirement had not been met and that the re-instatement could be triggered as the deadline had passed as of September 15, 2021.
- Due to the report not being filed within the ordered 30 days the suspended penalty of \$150 was re-instated to the account and is now owing.
- December 14, 2021 the invoice reflecting the re-instatement was emailed to the Respondent at the email of record by PDC staff.
- January 13, 2022 PDC Staff emailed the Respondent and the Respondent's son Hearing Notice for Reconsideration on January 27, 2022.

**Request for Reconsideration:**

- On December 18, 2021, the Respondent's son, John Kephart, emailed PDC staff and requested that the Respondent's penalty amount be reviewed due to serious medical issues that frustrated compliance.
- On December 22, 2021, John emailed PDC staff an official request for review of the penalty amount assessed to PDC case 94005 on behalf of the Respondent. Reasons include 1) the aforementioned medical issue; and 2) the fact that the F-1 report has been filed & the non-suspended penalty has been paid. John asks that the suspended penalty amount be forgiven due to the Respondent's long-standing record of compliance, which is confirmed by PDC records.