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**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In Re: The Matter of Enforcement Action
Against:

DOROTHY KEPHART,

Respondent.

PDC CASE NO. 94005

FINAL ORDER ON
RECONSIDERATION

This matter was heard remotely by the Washington State Public Disclosure Commission (Commission) on January 27, 2022, by telephonic and online streaming access. Respondent Dorothy Kephart requested reconsideration of the Presiding Officer's Order entered on August 12, 2021, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) on July 15, 2021, in this matter. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present both telephonically and online were Fred Jarrett, Commission Chair (presiding); Nancy Isserlis, Commission Vice-Chair; and Commissioners William Downing and Allen Hayward. Also present both telephonically and online were Assistant Attorney General John S. Meader representing the Commission, Assistant Attorney General Chad Standifer representing PDC Staff, and Tabitha Townsend, PDC Compliance Coordinator. Notice was provided to the Respondent but she did not appear on her own behalf. The

1 proceeding was open to the public as limited by Governor's Proclamation 20-25 *et. seq.* and
2 recorded.

3 The Commissioners had before them the following materials:

- 4 1. Case memorandum dated January 14, 2022, prepared by Tabitha Townsend, PDC
5 Compliance Coordinator;
- 6 2. Brief Enforcement Hearing Notice, served June 28, 2021;
- 7 3. Initial Order Imposing Fine, entered August 12, 2021;
- 8 4. Receipt of payment received, posted September 22, 2021;
- 9 5. Respondent's F-1 report for CY 2020, filed December 18, 2021;
- 10 6. John Kephart's written request for reconsideration and accompanying memo on
11 behalf of the Respondent, received December 22, 2021;
- 12 7. Reconsideration Hearing Notice, served January 13, 2022.

13 14 **I. FINDINGS OF FACT**

15 The matter involved Respondent's request that the Commission reconsider an Initial
16 Order entered on August 12, 2021, resulting from an Initial Hearing on July 15, 2021, regarding
17 Dorothy Kephart, a Fire Commissioner for Pierce Fire Protection District 10 during calendar
18 year 2020. Her current term expired December 31, 2021. The Presiding Officer at the Brief
19 Adjudicative Proceeding found the Respondent in violation of RCW 42.17A.700 for failure to
20 timely file a Personal Financial Affairs Statement (F-1 Report) with the Public Disclosure
21 Commission no later than April 15, 2021. At the July 15, 2021, hearing, the Presiding Officer
22 imposed a \$250 penalty, with \$150 suspended if paid by September 15, 2020, which the
23 Respondent's son, John Kephart, now requests the Commission reconsider. The Respondent has
24 no prior violations with the PDC.
25
26

1. 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.
2. On May 11, 2021, PDC staff emailed the Respondent a warning notice regarding the mission F-1 report. The notice was sent to the Respondent's official email address of record.
3. 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.
4. 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 missing F-1 Report no later than April 15, 2021, and was assessed a \$250 penalty consistent with WAC 390-37-143, the Brief Enforcement Hearing penalty schedule adopted by the Commission. The Presiding Office suspended \$150 of the \$250 penalty conditioned upon the Respondent filing the missing F-1 report and paying the non-suspended \$100 penalty within 30 days of the Initial Order being entered.
5. On August 17, 2021, the Respondent was served with the August 12, 2021, Initial Order memorializing the Commission's ruling to the Respondent's email address of record.

- 1 6. Respondent paid the non-suspended penalty on September 22, 2021.
- 2
- 3 7. On October 5, 2021, PDC staff emailed the Respondent to communicate that the
- 4 filing requirement had not been met and that reinstatement of the remaining
- 5 civil penalty could be triggered because the September 15, 2021, deadline had
- 6 passed.
- 7
- 8 8. The suspended \$150 portion of the civil penalty was reinstated and an invoice
- 9 sent to that effect to the Respondent on December 14, 2021.
- 10
- 11 9. On December 18, 2021, Respondent's son emailed PDC staff and requested the
- 12 Respondent's penalty amount be reconsidered due to serious medical issues that
- 13 frustrated compliance.
- 14
- 15 10. Respondent filed the missing F-1 Report on covering calendar year 2020, on
- 16 December 18, 2021.
- 17
- 18 11. On December 22, 2021, PDC staff received a written request for reconsideration
- 19 of the August 12, 2021, Initial Order based upon the Respondent's medical
- 20 issues, recent filing of the F-1, payment of the non-suspended civil penalty, and
- 21 the Respondent's history of compliance.
- 22
- 23 12. On January 13, 2022, PDC staff served the Respondent by email with a hearing
- 24 notice for a January 27, 2022 Reconsideration Hearing before the Public
- 25
- 26

1 Disclosure Commission, along with instructions on how to participate in the
2 hearing remotely.

3
4 **II. CONCLUSIONS OF LAW**

- 5
- 6 1. The Commission has jurisdiction over this proceeding pursuant to Chapter
7 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05
8 RCW, the Administrative Procedure Act; and Title 390 WAC.
9
 - 10 2. Pursuant to RCW 42.17A.700, an elected or appointed official who held office
11 in 2020, or took office in 2021, was required to file an F-1 Report, disclosing
12 financial information for the calendar year 2020, no later than April 15, 2021.
13

14 **III. ORDER**

15 This Order on Reconsideration will be the Final Order. After consideration of the
16 mitigating and aggravating factors, the Findings of Fact, and the Conclusions of Law, the
17 Initial Hearing Order assessing a \$250 civil penalty, with \$150 suspended, is MODIFIED as
18 follows:

- 19
- 20 1. Respondent Dorothy Kephart is assessed a total civil penalty of \$250 with \$150
21 suspended. The \$150 suspended penalty, which was reinstated due to late filing
22 of the F-1 Report for calendar year 2020, is placed back in suspension on the
23 following conditions:
 - 24 a. The Respondent remains in full compliance with all PDC reporting
25 requirements and is not found to have committed any further violations of
26 Chapter 42.17A RCW or Title 390 WAC within four years of the date of

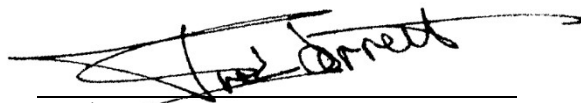
1 this Final Order. The suspended penalty shall not be assessed based solely
2 upon any remediable violation, minor violation, or error classified by the
3 Commission as appropriate to address by a technical correction.
4

- 5 2. If the Respondent fails to remain in compliance, the suspended civil penalty of
6 \$150 will immediately become due without further action by the Commission.
7

8 SO ORDERED this __15th__ day of February, 2022.

9 WASHINGTON STATE PUBLIC
10 DISCLOSURE COMMISSION

11 FOR THE COMMISSION:

12 

13 Fred Jarrett,
14 Chair, Public Disclosure Commission

15 *This order sent by email to:*

16 Dorothy Kephart, Respondent
17 John Kephart, Representative
18 Kep315@aol.com
19 mrwitticism@aol.com

20 Tabitha Townsend,
21 PDC Compliance Coordinator,
22 pdc@pdc.wa.gov

I, __Tabitha Townsend__, certify that I emailed a copy of this order to
the Respondent at his respective email address.

Electronically Signed by Tabitha Townsend __February 15, 2022__
Signed Date

23 **NOTICE: PETITION FOR JUDICIAL REVIEW**

24 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
25 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
26 Order must be filed with the court and also served upon both the Commission and the Office of
the Attorney general within thirty (30) days after the date this Final Order is served upon you.