STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
Toll Free 1-877-601-2828 * E-mail: pdc@pdc.wa.gov * Website: www.pdc.wa.gov

December 24, 2003

AL KIEFER
1986 YEW ST RD
BELLINGHAM WA 98229

Subject: PDC Case No. 04-130 - Final Order Imposing Fine

Dear Mr. Kiefer:

Enclosed is the Public Disclosure Commission's Final Order Imposing Fine that was entered in the above-referenced case. The Order assesses a penalty of $1,000 with $500 suspended on the condition that you pay all unpaid penalties within 30 days of the date of this order.

This means you need to pay $950, as detailed below, by January 23, 2004 to avoid paying the $500 suspended portion of the penalty in Case #04-130.

Case # 02-466	$ 150	(Sent to Attorney General's Office 1/9/03)
Case # 03-342	$ 300	
Case # 04-130	$ 500	(non suspended portion of $1,000 penalty)
Total Due by 1/23/03	$ 950	

Please make your penalty payment payable to "Washington State Treasurer" and send to the Public Disclosure Commission.

Please be advised that unless you seek reconsideration, or exercise your appeal rights as outlined in the order, the $950 penalty payment is due by January 23, 2004.

If you have questions, please contact me at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Philip E. Stutzman

Philip E. Stutzman
Director of Compliance

Enclosure

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE WITH RCW 42.17 Al Kiefer Respondent.	)	PDC CASE NO.: 04-130 **FINAL ORDER IMPOSING FINE**

INTRODUCTION

The Washington State Public Disclosure Commission (Commission) conducted an enforcement hearing (adjudicative hearing) under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on December 10, 2003 with respect to the above-encaptioned matter. The Commission held the hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia, Washington. The Commission held the hearing to determine whether the Respondent violated RCW 42.17.240 by failing to file a Statement of Financial Affairs within two weeks of becoming a candidate for Fire Commissioner in Whatcom County Fire Protection District 10 in the 2003 election, or by August 15, 2003. The Staff appeared through Philip E. Stutzman, Director of Compliance. The Respondent appeared at the hearing by telephone and addressed the Commission.

During the hearing, the Staff presented, for the Commission's consideration, the Notice of Administrative Charges issued November 19, 2003, which alleged a violation of RCW 42.17.240, and its exhibits, which included: 1) Declaration of Candidacy of Al Kiefer;

2) August 19, 2003 Warning Letter reminding the Respondent to file the missing F-1 report; 3) August 29, 2003 Brief Enforcement Hearing Notice; and 4) Affidavit of Tony Perkins attesting to his search for the F-1 report among the electronic images maintained by the PDC. The Notice of Administrative Charges and exhibits are incorporated by reference into this Order.

After due consideration of the Notice of Administrative Charges and its exhibits, and oral argument by Staff and the Respondent, the Commission makes the following findings and enters the following order.

FINDINGS

Based on this record, the Commission enters the following findings.

1. The Respondent stated that he had not received past mailings and hearing notices. He stated that he had filed past F-1 reports but could not remember where he sent them. He stated that his accountant filed the forms for him.
2. RCW 42.17.240 requires candidates to file with the commission a Statement of Financial Affairs for the preceding twelve months. The report is due within two weeks of becoming a candidate.
3. The Respondent is an incumbent Fire Commissioner who was a candidate for re-election in 2003. His name appeared on the general election ballot on November 4, 2003. The Respondent filed a Declaration of Candidacy with the Whatcom County Auditor on August 1, 2003 for the position of Fire Commissioner in Whatcom County Fire Protection District 10.
4. The Respondent was reminded by letter on August 19, 2003 to file the missing F-1 report.

The Respondent was notified on August 29, 2003 that he was scheduled for a brief enforcement hearing on September 10, 2003. The notice gave him the opportunity to file the missing report, stipulate to a violation and pay a $100 penalty to avoid a brief enforcement hearing.

5. At the brief enforcement hearing on September 10, 2003, the Presiding Officer, Susan Brady, stated that based on the Penalty Schedule previously adopted by the Commission for candidates, Mr. Kiefer's case would be heard by the full Commission.
6. The F-1 report due by August 15, 2003 has not been received.
7. In Case #03-342, the Respondent has not paid an outstanding penalty of $300 for failing to timely file his annual F-1 report due by April 15, 2003.
8. In Case #02-466, the Respondent has not paid an outstanding penalty of $150 for failing to timely file his annual F-1 report due by April 15, 2002. On January 9, 2003, the case was sent to the Attorney General's Office for further action.

ORDER

The Commission orders as follows:

1. That the Respondent committed a single violation of RCW 42.17.240.
2. That a total civil penalty of $1,000 is assessed against the Respondent.
3. That $500 is suspended on the condition that the Respondent pays all unpaid penalties within 30 days of the date of this Order.

RECONSIDERATION OF FINAL ORDER - COMMISSION

Any party may ask the Commission to reconsider this final order. Parties must place their requests for reconsideration in writing, include the specific grounds or reasons for the request, and deliver the request to the Public Disclosure Commission Office within **TEN (10) days** of the date that the Commission serves this order upon the party. Pursuant to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the petition for reconsideration if, within twenty (20) days from the date the petition is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedures Act, chapter 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston County or the petitioner's county of residence or principal place of business. The petition for judicial review must be served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this final order on the parties.

If reconsideration is properly sought, the petition for judicial review must be served on

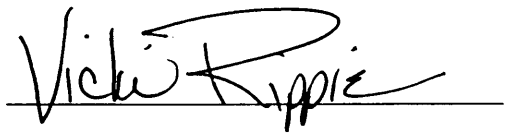
the Public Disclosure Commission and any other parties within thirty (30) days after the Commission acts on the petition for reconsideration.

ENFORCEMENT OF FINAL ORDERS

The Commission will seek to enforce this final order in superior court under RCW 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

DATED THIS 24th day of December, 2003.

FOR THE COMMISSION:



VICKI RIPPIE, Executive Director

MAILING DATE OF THIS ORDER:

Copy mailed to:
Linda Dalton, Senior Assistant Attorney General