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
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October 12, 2005

KIP CALAWAY
23468 SW RD J
MATTAWA WA 99349

Subject: Final Order - PDC Case No. 06-010

Dear Mr. Calaway:

Enclosed is the Public Disclosure Commission's Final Order Imposing Fine that was entered in the above-referenced case. The Commission found that you committed a single violation of RCW 42.17.240, and assessed a penalty of $750 with $250 suspended on the condition you commit no further violations of RCW 42.17.240 for two years from the date of the enclosed order.

Unless you seek reconsideration of the final order, or exercise your appeal rights as outlined in the order, the $500 non-suspended portion of the penalty is due at this time.

If you have questions, please contact me at (360) 664-8853 or toll free at 1-877-601-2828 or by e-mail at pstutzman@pdc.wa.gov.

Sincerely,

Philip E. Stutzman
Director of Compliance

Enclosure

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE WITH RCW 42.17 KIP CALAWAY Respondent.	)))))))	PDC CASE NO.: 06-010 **FINAL ORDER IMPOSING FINE**

INTRODUCTION

The Washington State Public Disclosure Commission (Commission) conducted an enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on September 15, 2005 with respect to the above-captioned 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 by April 15, 2005. The Staff appeared through Philip E. Stutzman, Director of Compliance. The Respondent requested to participate in the hearing by telephone. Staff made arrangements for this participation, and informed the Respondent that if he was unavailable by telephone, the hearing would proceed without the Respondent's participation. When the Respondent was called during the hearing, staff reached an answering machine with a message stating that Mr. Calaway was not available, and the hearing proceeded without the Respondent.

During the hearing, the Staff presented, for the Commission's consideration, the Notice of Administrative Charges issued August 31, 2005, which alleged a violation of RCW 42.17.240, and its exhibits, which included: 1) List of Officials received from the Respondent's jurisdiction demonstrating that the Respondent was required to file the F-1 report in 2005; 2) May 10, 2005 Warning Letter reminding the Respondent to file the missing F-1 report; and 3) August 31, 2005 Affidavit of PDC staff member Jennifer Hansen stating that the F-1 report had not been received.

The Commission considered the Notice of Administrative Charges and its incorporated exhibits. The Notice of Administrative Charges and exhibits are incorporated by reference into this Order. The Commission heard oral argument by Staff.

Based on this record, the Commission finds that:

1. RCW 42.17.240 requires elected and appointed officials, after January 1st and before April 15th of each year, to file with the commission a Statement of Financial Affairs for the preceding calendar year.
2. The Respondent is a School Director in Wahluke School District 073 who held office during 2004 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2005.
3. The Respondent was reminded by letter on May 10, 2005 to file the missing F-1 report. The Respondent was notified on August 31, 2005 that he was scheduled for an enforcement hearing before the full Commission on September 15, 2005.
4. The F-1 report was received September 2, 2005.

ORDER

Based on the record submitted in this matter, 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 $750 is assessed against the Respondent;
3. That $250 of the penalty is suspended on the condition that the Respondent commits no further violations of RCW 42.17.240 for two years from the date of this order, as determined by the Full Commission.

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 **Twenty-One (21) business days** of the date that the Commission serves this order upon the party. Grounds for reconsideration shall be limited to:

a) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or

b) Significant typographical or ministerial errors in the order. Pursuant to RCW 34.05.470, the Public Disclosure Commission is deemed to have denied the petition for reconsideration if, within twenty (20) business days from the date the petition is filed, the Commission does not either dispose of the petition <u>or</u> serve the parties with written notice specifying the date by which it will act on the petition. Pursuant

to RCW 34.05.470, 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.

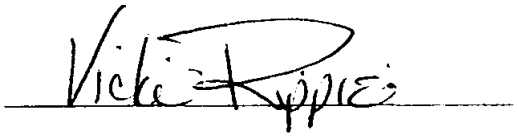
If reconsideration is properly sought, the petition for judicial review must be served on the Public Disclosure Commission and any other parties within thirty (30) days after the Commission acts on the petition for reconsideration.

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 12th day of October, 2005.

FOR THE COMMISSION:



VICKI RIPPIE, Executive Director

MAILING DATE OF THIS ORDER:

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