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

IN RE THE MATTER OF ENFORCEMENT  
ACTION AGAINST

William Kassel

Respondent.

PDC CASE NO. 12-051

**FINAL ORDER  
(Order Granting Review,  
Amending Initial Order and  
Suspending Penalty)**

This matter came before the Washington State Public Disclosure Commission on September 22, 2011 at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington. The Respondent, William Kassel, requested a review of the initial order of a brief enforcement hearing (brief adjudicative proceeding) in this matter. The review hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC.

Those present included Jennifer Joly, Vice Chair; Dave Seabrook, Member; and Jim Clements, Member. Participating were: Kurt Young, PDC Compliance Officer (representing PDC staff), and Mr. Kassel, who represented himself and participated by telephone. Also present were: Doug Ellis, Interim Executive Director; Nancy Krier, Commission General Counsel; and PDC staff member Jennifer Hansen as recorder/reporter of the proceedings. The proceedings were recorded and open to the public.

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1 **I. PROCEDURAL HISTORY**

2 The matter involved allegations that William Kassel violated RCW 42.17.240 by  
3 failing to timely file a Personal Financial Affairs Statement (PDC Form F-1) as a candidate for  
4 re-election for Fire Commissioner, Lewis County Fire District No. 1. A brief hearing was held  
5 on August 10, 2011. An initial order was entered August 23, 2011, making Findings of Fact,  
6 Conclusions of Law and assessing a civil penalty for the violations found in that hearing. By  
7 letter postmarked August 31, 2011 and received by the PDC on September 1, 2011, Mr. Kassel  
8 requested the Commission review that initial order. Following consideration of the initial  
9 order, Mr. Kassel's letter requesting review, Mr. Young's September 14, 2011 memorandum  
10 concerning this case, and the oral presentations of the parties, the Commission voted  
11 unanimously to amend the initial order. Therefore:

12 **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

13 1. The Respondent is a candidate seeking election to the office of Fire Commissioner,  
14 Lewis County Fire District No. 1 in 2011.

15 2. As an incumbent Fire Commissioner, the Respondent was required to file a Personal  
16 Financial Affairs Statement (PDC Form F-1) by April 16, 2011, disclosing his financial  
17 activities for the previous calendar year.

18 3. As a candidate, the Respondent was required to file an F-1 report by June 25, 2011.

19 4. The Respondent did not file the missing F-1 as of April 16, 2011, or by June 25, 2011,  
20 or by the date of the brief enforcement hearing held August 10, 2011.

21 5. At the brief enforcement hearing, the Respondent was found to have violated RCW  
22 42.17.240 by failing to file the Personal Financial Affairs Statement which was due within two  
23 weeks of declaring his candidacy or no later than June 25, 2011. The Respondent was assessed  
24 a civil penalty of \$150.

25 6. Mr. Young testified that the Respondent sent a letter to the PDC on September 1, 2011,  
26 stating that the Respondent's mother had experienced a stroke earlier in 2011, which required

1 the Respondent to travel frequently to Oregon to see his parents. Mr. Young testified that  
2 according to the letter, the Respondent's mother recently died due to her medical problems.

3 7. The Respondent stated that he believed he had filed the missing report earlier in 2011,  
4 but, after receiving the initial order, found the brief enforcement hearing notice. He filed the  
5 missing F-1 report on August 31, 2011. On September 1, 2011, the Respondent paid the \$150  
6 penalty assessed at the brief enforcement hearing.

7 8. The Respondent requested that the Commission reconsider the \$150 penalty, based on  
8 the mitigating factors that were not known at the time of the brief enforcement hearing.

9 9. Mr. Young testified that the Respondent, as a candidate in 2009, timely filed the F-1  
10 report on June 18, 2009. The Respondent was elected Fire Commissioner, Lewis County Fire  
11 District No. 1, in 2009, and timely filed the required annual F-1 report on April 15, 2010.

12 10. The Respondent violated RCW 42.17.240 by failing to timely file the Personal  
13 Financial Affairs Statement which was due within two weeks of declaring his candidacy for re-  
14 election to the position of Fire Commissioner, Lewis County Fire District No. 1, or no later  
15 than June 25, 2011.

### 16 III. ORDER

17 The Respondent is assessed a civil penalty of \$150. The entire \$150 penalty is  
18 suspended on the condition that no further violations are committed by the Respondent within  
19 four years from the entry of this Final Order. The \$150 penalty that the Respondent has paid  
20 shall be reimbursed.

### 21 IV. APPEALS

#### 22 RECONSIDERATION OF FINAL ORDER - COMMISSION

23 Any party may ask the Commission to reconsider this final order. Parties must place  
24 their requests for reconsideration in writing, include the specific grounds or reasons for the  
25 request, and deliver the request to the Public Disclosure Commission Office within  
26 **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order

1 upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished on  
2 the date of mailing by U.S. mail if the order is mailed, or the date of personal service if  
3 personal service is made. RCW 34.05.010(19). The Commission orders are generally mailed  
4 via U.S. mail.

5 Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have  
6 denied the petition for reconsideration if, within twenty (20) business days from the date the  
7 petition is filed, the Commission does not either dispose of the petition or serve the parties with  
8 written notice specifying the date by which it will act on the petition. Pursuant to RCW  
9 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to  
10 reconsider the final order before seeking judicial review by a superior court.

11 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

12 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure  
13 Commission is subject to judicial review under the Administrative Procedure Act, chapter  
14 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW  
15 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston  
16 County or the petitioner's county of residence or principal place of business. The petition for  
17 judicial review must be served on the Public Disclosure Commission and any other parties  
18 within **30 days** of the date that the Public Disclosure Commission serves this final order on the  
19 parties. RCW 34.05.542(4) provides: "Service of the petition on the agency shall be by  
20 delivery of a copy of the petition to the office of the director, or other chief administrative  
21 officer or chairperson of the agency, at the principal office of the agency. Service of a copy by  
22 mail upon the other parties of record and the office of the attorney general shall be deemed  
23 complete upon deposit in the United States mail, as evidenced by the postmark."  
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1 If reconsideration is properly sought, the petition for judicial review must be served on  
2 the Public Disclosure Commission and any other parties within thirty (30) days after the  
3 Commission acts on the petition for reconsideration.

4 **V. ENFORCEMENT OF FINAL ORDERS**

5 The Commission may seek to enforce this final order in superior court under RCW  
6 42.17.395-.397, and recover legal costs and attorney's fees, if a penalty that is due and owing  
7 remains unpaid and no petition for judicial review has been filed under chapter 34.05 RCW.  
8 This action will be taken without further order by the Commission.

9  
10 The Executive Director is authorized to enter this order on behalf of the Commission.

11 So ORDERED this 7<sup>th</sup> day of October, 2011.

12 WASHINGTON STATE PUBLIC  
13 DISCLOSURE COMMISSION

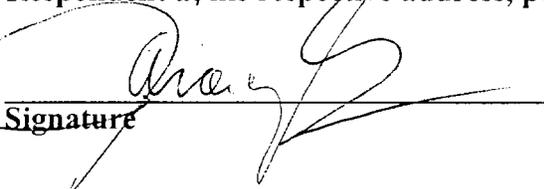
14 FOR THE COMMISSION:

15   
16 DOUG ELLIS  
Interim Executive Director

17  
18 *Copy of this Final Order to:*

19 William Kassel  
20 P.O Box 82  
Onalaska, WA 98570

21  
22 I, JANA Y. GREER, certify that I mailed a copy of this order to the  
23 Respondent at his respective address, postage prepaid, on the date stated herein.

24   
25 Signature

26 Date 10/7/11