

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

DATE FILED PDC  
APR 26 2017

In the Matter of Enforcement Action  
Against:

Steven Keane, Benton County Sheriff

Respondent.

PDC Case 16072

STIPULATION AS TO FACTS,  
VIOLATIONS AND PENALTY

**I. INTRODUCTION**

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Evelyn Fielding Lopez, and Respondent Steven Keane, submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission suggests modifications to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

**II. JURISDICTION**

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance and disclosure laws; RCW 34.05, the Administrative Procedure Act; and WAC 390.

**III. FACTS**

1. Steven Keane was elected Benton County Sheriff in 2010, and re-elected to that position in 2014.
2. On March 4, 2014, the Benton County Commissioners approved Resolution 14-5, and placed a ballot proposition on the August 5, 2014 primary election ballot, to increase the sales and use tax to fund law and justice needs throughout Benton County.
3. On May 13, 2014, a press conference was held at noon at the Sun Pacific Energy facility in Kennewick, a privately-owned building. Five local law enforcement officials appeared in uniform at the press conference which included Sheriff Keane; David Giles, City of Prosser Police Chief; Ken Hohenberg, City of Kennewick Police Chief; Brian McElroy, City of West Richland Police Chief, and Chris Skinner, City of Richland Police Chief.

4. The May 13, 2014, press conference supported the August 5, 2014, criminal justice ballot measure, and had been scheduled for the noon hour to allow the five law enforcement officers to attend the press conference during their personal lunch hour.
5. Sheriff Keane attended the May 13, 2014 press conference, wore his Benton County Sheriff's uniform and drove to the event in his Benton County Sheriff's Office patrol car.
6. As Benton County Sheriff, Steven Keane drove a Benton County assigned Sheriff's vehicle and wore his Benton County Sheriff's uniform when responding in his official capacity as Sheriff, and was expected to be available 24-7 to respond to any urgent matters that may arise. Appearing in his uniform is a part of the normal and regular conduct of the office and as such, Steven Keane did not intentionally set out to violate the statute.

#### **IV. STATUTORY AND RULE AUTHORITY**

**RCW 42.17A.555** states, in part: "No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.

Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities: ... (3) Activities which are part of the normal and regular conduct of the office or agency."

**WAC 390-05-273** defines the "normal and regular conduct" of a public office or agency as "conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner."

**PDC Interpretation 04-02** includes a section for Uniforms and Related Equipment and discusses Permitted, Not Permitted, and General Considerations that includes the following under the Not Permitted column:

- Agency employees shall not use or wear their agency issued, agency-purchased, agency-owned or agency replaced uniforms to assist a campaign or to support or oppose a ballot proposition. (Note - this prohibition applies to use of any part of such a uniform including the shirt, pants, shoes, hat, etc.).
- This same prohibition also applies to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; jackets; belts; vests; shoes; agency patches, logos, insignias, emblems; and radios.
- Prohibited uses include but are not limited to using or wearing those uniforms at campaign functions. Exceptions exist for officials to attend campaign functions in uniform and may be made on a case-by case basis under exigent circumstances.

## **V. VIOLATIONS**

Based on the Stipulation of Facts set forth above, Respondent Steven Keane agrees that he violated RCW 42.17A.555 by using the facilities of the Benton County Sheriff's Office by appearing in his Benton County Sheriff's uniform at a May 13, 2014 press conference in support of an August 5, 2014, local Benton County Law and Justice ballot measure, and driving to the press conference in his official Benton County Sheriff's vehicle.

## **VI. PENALTY**

1. Based upon the Stipulation of Facts and Violations set forth above, Respondent Steven Keane agrees to pay a total civil penalty of \$750 of which \$500 is suspended on the following conditions:
  - A. Mr. Keane pays the \$250 non-suspended portion of the penalty within 30 days of receiving this Order.
  - B. Mr. Keane commits no further violations of RCW 42.17A or WAC 390 for four years from the date of the Order.
  - C. In the event Mr. Keane fails to meet the first term of the suspended penalty, the suspended portion of the penalty (\$500) shall become due without any further intervention of the Commission.

2. Respondent Steven Keane affirms his intention to comply in good faith with the provisions of RCW 42.17A in the future.

Bly Sundahne for Evelyn Lopez  
Evelyn Fielding Lopez, Executive Director  
Public Disclosure Commission

5/15/17  
Date Signed

SK  
Steven Keane

4/25/17  
Date Signed