



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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June 13, 2017

Steven Keane, former Benton County Sheriff
Sent Electronically to Steven Keane at "rzrriding.1980@gmail.com"

Subject: Final Order, Steven Keane, PDC Case 16072

Dear Mr. Keane:

Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case 16072. The Commission assessed a civil penalty of \$750 against you in accordance with the Stipulated agreement, of which \$500 is suspended on the following conditions:

1. You pay the \$250 non-suspended portion of the penalty within 30 days of receiving this Order.
2. You commit no further violations of RCW 42.17A or WAC 390 for four years from the date of the Order.

In the event that you fail to meet any of the above terms of this order, the \$750 penalty, including the \$500 suspended portion of the penalty will become immediately due without any further intervention of the Commission.

The \$250 civil penalty is payable by July 13, 2017. Please make the check or money order payable to the WA State Treasurer, and mail to the following address:

WA State Treasurer - Public Disclosure Commission
Financial Office
PO Box 41465
Olympia, WA 98504-1465

Thank you for your patience and cooperation throughout this process. I hope the move and your treatment is going well. If you have questions, please contact me at (360) 664-8854; or by email at kurt.young@pdc.wa.gov.

Sincerely,

Kurt Young
Compliance Officer

Enclosure

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

9 In re the Matter of Enforcement Action
10 Against:

11 Steven Keane, Benton County Sheriff,

Respondent.

PDC CASE NO. 16072

FINAL ORDER

12
13 **I. INTRODUCTION**

14 This matter was heard by the Washington State Public Disclosure Commission
15 (Commission) on May 25, 2017 at the Public Disclosure Commission Office, 711 Capitol Way,
16 Room 206, Olympia, Washington 98504. The hearing was held pursuant to RCW 34.05, RCW
17 42.17A, and WAC 390-37. The proceeding was open to the public and recorded.

18 Commissioners Anne Levinson, Chair, John Bridges, Vice Chair, Katrina Asay, Jack
19 Johnson and David Ammons were present. Kurt Young, Compliance Officer, presented the
20 matter on behalf of Public Disclosure Commission Staff (Staff). Chad Standifer, Assistant
21 Attorney General, was also present on behalf of Staff. Respondent Steven Keane was not present
22 and was not represented. Also present during the hearing was Penny Allen, Assistant Attorney
23 General, on behalf of the Commission and Heather Kintzley, Richland City Attorney, Bronson
24 Brown, West Richland City Attorney, Howard Saxton Prosser City Attorney, Lisa Beaton,
25 Kennewick City Attorney, and Josie Delvin who all appeared by phone.
26

1 The parties submitted to the Commission a proposed Stipulation as to Jurisdiction, Facts,
2 Violation and Penalty (Stipulation). The Commission determined that the Stipulation would be
3 accepted without modification.

4 After reviewing the record, including the Stipulation, listening to the parties'
5 presentations, the Commission HEREBY ORDERS that the following Findings of Fact,
6 Conclusions of Law, and Final Order of the Commission be entered:

7 **II. FINDINGS OF FACT**

8 1. Steven Keane was elected Benton County Sheriff in 2010, and re-elected to that
9 position in 2014.

10 2. On March 4, 2014, the Benton County Commissioners approved Resolution 14-
11 5, and placed a ballot proposition on the August 5, 2014 primary election ballot, to increase the
12 sales and use tax to fund law and justice needs throughout Benton County.

13 3. On May 13, 2014, a press conference was held at noon at the Sun Pacific Energy
14 facility in Kennewick, a privately-owned building. Five local law enforcement officials
15 appeared in uniform at the press conference which included Sheriff Keane; David Giles, City of
16 Prosser Police Chief; Ken Hohenberg, City of Kennewick Police Chief; Brian McElroy, City of
17 West Richland Police Chief, and Chris Skinner, City of Richland Police Chief.

18 4. The May 13, 2014, press conference supported the August 5, 2014, criminal
19 justice ballot measure, and had been scheduled for the noon hour to allow the five law
20 enforcement officers to attend the press conference during their personal lunch hour.

21 5. Sheriff Keane attended the May 13, 2014 press conference, wore his Benton
22 County Sheriff's uniform and drove to the event in his Benton County Sheriff's Office patrol
23 car.

24 6. As Benton County Sheriff, Steven Keane drove a Benton County assigned
25 Sheriff's vehicle and wore his Benton County Sheriff's uniform when responding in his official
26 capacity as Sheriff, and was expected to be available 24-7 to respond to any urgent matters that

1 may arise. Appearing in his uniform is a part of the normal and regular conduct of the office
2 and as such, Steven Keane did not intentionally set out to violate the statute.

3 III. CONCLUSIONS OF LAW

4 1. The Commission has jurisdiction over this proceeding pursuant to RCW 42.17A,
5 the State campaign finance and disclosure law; RCW 34.05, the Administrative Procedure Act;
6 and WAC 390.

7 2. RCW 42.17A.555 states in part:

8 "No elective official nor any employee of his or her office nor any person
9 appointed to or employed by any public office or agency may use or
10 authorize the use of any of the facilities of a public office or agency, directly
11 or indirectly, for the purpose of assisting a campaign for election of any
12 person to any office or for the promotion of or opposition to any ballot
13 proposition. Facilities of a public office or agency include, but are not
14 limited to, use of stationery, postage, machines, and equipment, use of
15 employees of the office or agency during working hours, vehicles, office
16 space, publications of the office or agency, and clientele lists of persons
17 served by the office or agency. However, this does not apply to the
18 following activities:

19 ...

20 (3) Activities which are part of the normal and regular conduct of the office
21 or agency."

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

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

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

14 5. Respondent Steven Keane violated RCW 42.17A.555 by using the facilities of
15 the Benton County Sheriff's Office by appearing in his Benton County Sheriff's uniform at a
16 May 13, 2014 press conference in support of an August 5, 2014, local Benton County Law and
17 Justice ballot measure, and driving to the press conference in his official City of Benton County
18 Sheriff's vehicle.

18 IV. ORDER

19 Based upon the findings and conclusions, the Commission orders that:

20 1. Respondent Steven Keane is assessed a total civil penalty of \$750.00, of which
21 \$500.00 is suspended on the following conditions:


- 22 a. Respondent Steven Keane pays the non-suspended portion of the penalty within
23 30 days of receiving this Order.
- 24 b. Respondent Steven Keane commits no further violations of RCW 42.17A or
25 WAC 390 for four years from the date of the Order.
- 26 c. In the event Respondent Steven Keane fails to meet any of the above terms of this
order, the entire penalty of \$750.00, which includes the suspended portion of the
penalty (\$500.00), will become immediately due without any further intervention
of the Commission, and PDC Staff will refer any outstanding debt to the
Department of Enterprise Services (DES) for collection.

1 The Executive Director is authorized to enter this Order on behalf of the Commission.

2 So ORDERED this 12th day of June, 2017.

3 WASHINGTON STATE PUBLIC
4 DISCLOSURE COMMISSION

5 FOR THE COMMISSION:

6 
7 Peter Lavallee
8 Executive Director

9 *Copy of this Order mailed and emailed to:*

10 Steven Keane, Respondent (rzrriding.1980@gmail.com)

11 Kurt Young, PDC Staff (kurt.young@pdc.wa.gov)

12 I, Kurt Young, certify that I mailed a
13 copy of this order to the Respondent/ Applicant at his/her
14 respective address postage pre-paid on the date stated
herein. Kurt Young 6/13/17
Signed Date

15 NOTICE: RECONSIDERATION

16 PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY
17 FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE
18 (21) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY
19 REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR
THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE
WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY,
ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.

20 NOTICE: PETITION FOR JUDICIAL REVIEW

21 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,
22 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF
23 RCW 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER
24 MUST BE FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE
25 COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30)
26 DAYS AFTER THE DATE THIS FINAL ORDER IS SERVED UPON YOU.