

Kurt Young

From: Kurt Young
Sent: Wednesday, February 24, 2010 2:16 PM
To: 'jim@kainber.com'
Subject: PDC Case No. 10-058: Close Administratively

Mr. Kainber:

This e-mail is a follow-up to your conversations with PDC staff regarding the Brief Enforcement Hearing Notice sent to you as a Registered Lobbyist in PDC Case No. 10-058. The Brief Enforcement Hearing for PDC Case No. 10-058 originally scheduled for February 26, 2010, has been cancelled.

The hearing was cancelled due to several mitigating factors such as: 1) you reported the same \$4,000 in lobbying compensation on the late filed December L-2 report as you did for other L-2 reports filed in 2009; 2) you had no additional expenses to disclose on the December L-2 report for entertainment, contributions or other reportable lobbying expenses; 3) no prior violations of RCW 42.17.170 for failure to timely file the L-2 reports; 4) confusion regarding the lobbyist electronic filing application during 2009; and 5) confusion regarding the warning letter process.

FYI-the enforcement process for registered lobbyists is conducted on an annual, calendar year basis. Each lobbyist filing monthly L-2 reports can receive one warning letter per calendar year for a late filed L-2 report. After the warning letter has been received by the filer, any additional late filed L-2 reports require that: 1) a Brief Enforcement Hearing be scheduled; or 2) the lobbyist can file the missing L-2 report, stipulate to a violation and pay a \$100 penalty in order to avoid having the hearing.

As stated above, PDC staff is closing PDC Case No. 10-058 administratively. Although we determined that the late filing of the December L-2 report did not rise to the level of enforcement action in this instance due to the mitigating factors listed above, we are cautioning you to timely file all future L-2 reports disclosing lobbying activities. This e-mail will be scanned onto your file as an "L-2 Miscellaneous" document.

Thanks for your participation in this matter.

Sincerely,

Kurt Young
PDC Compliance Officer