

10/27/98

Louise Miller  
Dwight Pelz  
Maggi Fimia  
Larry Gossett  
Larry Phillips  
Cynthia Sullivan  
Rob McKenna  
Greg Nickels  
Chris Vance  
Jane Hague

an  
clerk 11/10/98

Introduced By:

Proposed No.:

98-046

ORDINANCE NO. **13320**

AN ORDINANCE relating to lobbyist disclosure; requiring the registration of lobbyists and the reporting of lobbying activity; and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

PREAMBLE:

The council supports the constitutional right of the people to petition their government for the redress of grievances and to freely express their opinions on legislation and issues, and hereby reaffirms its obligation to hear the requests and opinions of all people, and to preserve and maintain the integrity and accessibility of the legislative processes.

The council recognizes that groups of citizens may choose one among them to present their views and, because of the amount and complexity of the proposed legislation, may employ persons knowledgeable in the legislative process to present their views. Such activities are proper methods for expressing the opinions of a group of citizens.

The council also recognizes that such activities must be carried out openly so that other citizens are aware of the opinions and requests made in this manner. Legislative decisions can more fully reflect the interests of the broadest cross-section of the people only if the opinions expressed by citizens are known and debated, and if the representatives of citizens or groups are identified and their expenditures and activities are regularly disclosed.

The intent of the council in enacting such legislation is to encourage an open government process and citizen participation in that process. The execution of this legislation must be carried out in a manner that will not discourage the broadest

1 citizen participation or dissuade individuals from representing their own self  
2 interest.

3 The council believes that the operation of King County government relies on a  
4 close working relationship between the employees of King County and the council.  
5 Accordingly, open communication between the employees of King County and the  
6 council is essential to the internal operation of county government.

7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 SECTION 1. Policy.

9 It is the policy of King County to encourage the full participation and expression of interest  
10 of all of the people of King County in the legislative process. The provisions of this ordinance shall  
11 be liberally construed to promote full disclosure of lobbying in order to protect the openness and  
12 integrity of the legislative process.

13 SECTION 2. Definitions.

14 For the purposes of this ordinance, certain terms are defined as follows:

15 A. "Compensation" means anything of economic value, however designated, which is paid,  
16 granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal  
17 services to any person, except that minor incidental personal expenses, such as mileage, parking,  
18 meals, photocopying, telephone, and facsimiles for persons not employed or retained as lobbyists are  
19 not included in "compensation".

20 B. "Council staff" means any person employed in the legislative branch of King County  
21 government.

22 C. "County employee" means any individual who is appointed as an employee by the  
23 appointing authority of a county department, agency, or office. The term "county employee" also  
24 includes any person elected at a general or special election to any county elected office and any  
25 person appointed to fill a vacancy in any such office. The term "county employee" also includes  
26 members of county boards, commissions, committees or other multi-member county bodies  
27 established by ordinance or motion.

1 D. "Department" means the department of information and administrative services.

2 E. "Expenditure" includes a payment, contribution, subscription, distribution, loan,  
3 advance, deposit, gift, contract, promise or agreement to make an expenditure. The term  
4 "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in  
5 exchange for goods, services, property, facilities or anything of value. For the purposes of this  
6 ordinance, agreements to make expenditures, contracts and promises to pay may be reported as  
7 estimated obligations until actual payment is made.

8 F. "Gift" means the same as the definition of "gift" in the employee code of ethics, K.C.C.  
9 3.04.017G.

10 G. "Legislation" means any ordinance or motion that is proposed to be or is introduced  
11 before the council under the provisions of Sections 230 and 240 of the county charter or any other  
12 matter that may be the subject of action by the council or any of its committees and any ordinance or  
13 motion that, having been adopted by the council, is required to be presented for approval or veto by  
14 the executive provided that the following shall not be considered legislation for the purposes of this  
15 ordinance:

- 16 1. Ordinances introduced on matters considered to be quasi-judicial under state law;
- 17 2. Motions introduced to confirm or reject appointments by the executive; and
- 18 3. Motions introduced to exercise the council's power of appointment or removal.

19 G. "Lobby" and "lobbying" each mean attempting to influence, by communicating with  
20 councilmembers or council staff, the metropolitan King County council to develop, adopt, modify or  
21 reject legislation, or attempting to influence, by communicating with the executive or executive staff,  
22 the King County executive to approve or veto adopted legislation, or part thereof, presented to him  
23 or her.

24 For purposes of this ordinance the terms "lobby" and "lobbying" do not include any of the  
25 following:

1                   1. The act of communicating with the members of an association or organization by  
2 that same association or organization;

3                   2. Communications or other actions made by a person related to a quasi-judicial  
4 proceeding before the council;

5                   3. Communications or actions made by a person related to proposed motions to  
6 confirm or reject appointments by the executive;

7                   4. Communications or actions made by a person related to proposed motions to  
8 exercise the council's power of appointment or removal;

9                   5. Communications or other actions related to proposed employment actions  
10 concerning legislative branch employees;

11                  6. Communications or other actions by any county employee acting within the  
12 scope of his or her employment with the county;

13                  7. Communications or other actions by representatives of labor organizations  
14 related to existing or proposed collective bargaining agreement(s) with the county or other legislation  
15 which could affect specific existing or proposed collective bargaining agreements; or

16                  8. Communications or other actions by a person with the executive or executive  
17 staff regarding legislation at any time prior to its adoption by the council.

18                  H. "Lobbyist" means any person who lobbies for compensation.

19                  I. "Lobbyist's employer" means the person or persons by whom a lobbyist is employed or  
20 otherwise compensated for acting as a lobbyist. For purposes of this ordinance, the term "lobbyist's  
21 employer" includes, but is not limited to:

22                   1. Every person who engages or utilizes the services of any other person to lobby,  
23 upon an agreement express or implied, for compensation or for other consideration; and

24                   2. The officers and employees of such person and/or any third party who is  
25 engaged, employed or utilized by such person to lobby.

1 M. "Month" is a calendar month.

2 N. "Person" includes an individual, partnership, joint venture, public or private  
3 corporation, association, federal, state or local governmental entity or agency however constituted,  
4 candidate, committee, political committee, political party, executive committee thereof, or any other  
5 organization or group of persons, however organized.

6 O. "Polling" means contacting individuals or groups to determine or change their positions  
7 using telephone interviews, face to face interviews or focus groups.

8 P. "Public relations" means any activity, and research to support such activity, that is  
9 intended to inform, educate, persuade or reinforce public opinion including, but not limited to,  
10 advertising, press conferences, editorial boards and speakers bureaus.

11 Q. "Quarter" is a calendar quarter, i.e., January through March, April through June, July  
12 through September, and October through December.

13 R. "Representatives of labor organizations" means any employee or designated  
14 spokesperson of a bargaining representative that represents county employees.

15 SECTION 3. Registration of Lobbyists.

16 A. A lobbyist shall file a lobbyist registration statement for each of his or her lobbyist's  
17 employers. The lobbyist registration statement shall be filed with the department of information and  
18 administrative services within seven days after being employed or otherwise retained as a lobbyist.

19 The lobbyist registration statement shall show, in such detail as shall be prescribed by rule:

- 20 1. His or her name, permanent business address and, if the permanent business address  
21 is not in King County, any temporary address in King County;
- 22 2. The name, address and occupation or business of the lobbyist's employer;
- 23 3. The duration of his or her employment;
- 24 4. His or her compensation for lobbying, how much he or she is to be paid for  
25 expenses and what expenses are to be reimbursed;

1                   5. Whether the person from whom he or she receives that compensation employs him  
2 or her solely as a lobbyist or whether he or she is a regular employee performing services for his or  
3 her employer which include, but are not limited to, lobbying;

4                   6. The general subject or subjects of his or her lobbying interest;

5                   7. A written authorization from each of the lobbyist's employers confirming such  
6 employment;

7                   8. The name and address of the person who will have custody of the accounts, bills,  
8 receipts, books, papers and documents required to be kept by Section 8 of this ordinance; and

9                   9. If the lobbyist's employer is an entity, including, but not limited to, a business or  
10 trade association whose members include businesses, groups, associations, or organizations or which  
11 as a representative entity undertakes lobbying activities for businesses, groups, associations, or  
12 organizations, the name and address of each member of such entity, or person represented by such  
13 entity, whose fees, dues, payments or other consideration paid to such entity during either of the  
14 prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees,  
15 dues, payments or other consideration exceeding five hundred dollars to such entity during the  
16 current year.

17                   B. Whenever a termination or significant modification of the lobbyist's employment occurs,  
18 the lobbyist shall furnish full information regarding the same within seven calendar days of such  
19 termination or modification by filing with the department an amended registration statement.

20                   SECTION 4. Exemption of Citizen Lobbyists

21                   Persons who lobby without compensation or with compensation or other consideration  
22 limited to reimbursement for minor incidental personal expenses, such as mileage, parking, meals,  
23 photocopying, telephone, and facsimiles, for acting as a lobbyist shall be considered citizen lobbyists  
24 and shall be exempt from registration. The exemption contained in this section is intended to permit  
25 and encourage citizens of the county to lobby any councilmember or the executive without incurring

1 any registration or reporting obligation. Any person exempt under this section may at his or her  
2 option register and report under this ordinance.

3 SECTION 5. Exemption of Technical Experts.

4 It is understood that businesses may employ a specific person or persons as lobbyists. In  
5 addition, other employees of a business, or contracted experts, may have occasion to meet on an  
6 irregular basis with councilmembers or the executive or appear before public sessions of the council  
7 or its committees to provide information or expert testimony. Such other employees or contracted  
8 experts shall not be required to register or report under this ordinance provided they restrict their  
9 lobbying activities to no more than six days or parts thereof during any quarter, and provided further  
10 that appearing before public sessions of the council and committees of the council are not counted  
11 towards the six days. Any person exempt under this section may at his or her option register and  
12 report under this ordinance.

13 SECTION 6. Exemption of governmental officials, officers and employees.

14 Except for a person or persons specifically employed or otherwise retained by a government  
15 agency to lobby, elected officials, officers and employees of any local, state or federal government  
16 agency acting within the scope of their representation of or employment with such agency are not  
17 required to register or report under this ordinance.

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SECTION 7. Exemptions of media persons.

News or feature reporting activities and editorial comment by working members of the press, radio or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station or television station shall be exempt from registration and reporting under this ordinance. Any person exempt under this section may at his or her option register and report under this ordinance.

SECTION 8. Reporting by Lobbyists.

A. Each lobbyist shall file a report with the department of his or her activities for each employer. Such reports must be signed by the lobbyist. The reports shall be made in the form and manner prescribed by the department. The department shall design the reporting forms to match as closely as reasonably possible the forms required for lobbyist reporting to the Washington state Public Disclosure Commission. The reports shall be filed within fifteen calendar days after the last day of the calendar quarter. The due dates for such reports are January 15, April 15, July 15 and October 15. The January report shall cover the preceding calendar year; the April, July and October reports shall each cover the preceding calendar quarter.

B. Each periodic report shall contain:

1. The totals of all expenditures for lobbying activities made or incurred by such lobbyist. The totals of all expenditures for lobbying activities made or incurred on behalf of such lobbyist by the lobbyist's employer or any other person with the lobbyist's knowledge. Such total expenditures for lobbying activities shall include the following: food and refreshments, entertainment and other expenses or services. The report shall specify the amount of the expenditure, the person to whom the amount was paid and a brief description of the activity. Notwithstanding the preceding, lobbyists are not required to report any expenses incurred for their personal travel or meals, telephone and any office expenses including rent and salaries and wages paid for staff and secretarial assistance;



1                   2. The total compensation paid to the lobbyist for lobbying purposes during the  
2 reporting period by the lobbyist employer;

3                   3. The subject matter which the lobbyist has been supporting or opposing during the  
4 reporting period, including specific ordinances and motions;

5                   4. Other information relevant to lobbying activities as shall be prescribed by rule; and

6                   5. Information regarding any termination or significant modification of the lobbyist's  
7 employment.

8                   C. Information supporting any activities which are required to be reported under this section  
9 is subject to audit by the department. However, the person subject to audit is not required to disclose  
10 information which is covered by the attorney-client privilege.

11                   SECTION 9. Reports by employers of registered lobbyists and other persons.

12                   A. Every employer of a lobbyist registered under this ordinance shall report on such  
13 employment either by:

14                   1. Verifying, by signing along with the lobbyist, the January 15 report required to be  
15 filed by Section 8 of this ordinance; or

16                   2. Filing with the department on or before the last day of February of each year a  
17 statement disclosing for the preceding calendar year the following information:

18                   a. the total expenditures made by the reporting person for lobbying purposes,  
19 whether through or on behalf of a registered lobbyist or otherwise;

20                   b. the name and address of each lobbyist, registered under this ordinance, employed  
21 by the reporting person and the total expenditures made by such person for each such lobbyist for  
22 lobbying purposes; and

23                   c. such other information as shall be prescribed by rule.

24                   B. Each employer shall obtain and preserve all accounts, bills, receipts, books, papers and  
25 documents necessary to substantiate the financial reports required to be made under this ordinance

1 for a period of at least five years from the date of filing of the statement containing such items.

2 These accounts, bills, receipts, books, papers and documents shall be made available for inspection  
3 by the department during regular business hours.

4 C. Information supporting any activities which are required to be reported under this section  
5 is subject to audit by the department. However, the person subject to audit is not required to disclose  
6 information which is covered by the attorney-client privilege.

7 SECTION 10. Professional Grass Roots Lobbying Campaign.

8 A. Any person who has made expenditures exceeding ten thousand dollars in the aggregate  
9 within any consecutive twelve month period or who knows he or she will expend ten thousand dollars  
10 within any consecutive twelve month period presenting a program addressed to the public which is  
11 specifically intended, designed or calculated to influence legislation that may be the subject of action  
12 by the council shall be required to register and report, as provided in subsection B of this section, as  
13 a sponsor of a professional grass roots lobbying campaign.

14 B. Within seven days after becoming a sponsor of a professional grass roots lobbying  
15 campaign, the sponsor shall register by filing with the department a registration statement, as shall  
16 be prescribed by rule, showing:

17 1. The sponsor's name, address and business or occupation, and, if the sponsor is not  
18 an individual, the names, addresses and titles of the controlling persons responsible for managing the  
19 sponsor's affairs;

20 2. The name, address and business or occupation of all persons organizing and  
21 managing the grass roots lobbying campaign, or hired to assist the campaign, and the terms of  
22 compensation for all such persons;

23 3. The name and address of each person contributing services or money with a value of  
24 one hundred dollars or more to the grass roots lobbying campaign;

1                   4. The purpose of the grass roots lobbying campaign, including the specific legislation  
2 that is the subject matter of the effort; and

3                   5. The total of all expenditures made or incurred to date on behalf of the grass roots  
4 lobbying campaign, which totals shall be segregated according to financial category, including, but  
5 not limited to, the following: advertising segregated by media; telemarketing or polling; public  
6 relations; entertainment, including food and refreshments; office expenses, including rent, salaries  
7 and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or  
8 incurred for lobbying activities; consultants; printing and mailing expenses; and other expenditures  
9 as shall be prescribed by rule.

10                  C. Every sponsor who has registered under this section shall file quarterly reports with the  
11 department . The reports shall be filed for each calendar quarter and shall be due within fifteen days  
12 after the last day of the quarter covered by the report. The due dates for such reports are January  
13 15, April 15, July 15 and October 15. The reports shall update the information contained in the  
14 sponsor's registration statement and in prior reports and shall show totals of expenditures made  
15 during the quarter, in the same manner as provided for in the registration statement.

16                  D. Each sponsor of a grass roots lobbying campaign shall obtain and preserve all accounts,  
17 bills, receipts, books, papers and documents necessary to substantiate the financial reports required  
18 to be made under this section for a period of at least five years from the date of filing of the  
19 statement containing such items. These accounts, bills, receipts, books, papers and documents shall  
20 be made available for inspection by the department during regular business hours. Should the  
21 sponsor be unable to maintain the financial records of the grass roots lobbying campaign, the  
22 sponsor may file the records, including all accounts, bills, receipts, books, papers and documents,  
23 with the appropriate county agency for preservation for five years.

1 E. Information supporting any activities which are required to be reported is subject to  
2 audit by the department. However, the person subject to audit is not required to disclose information  
3 which is covered by the attorney-client privilege.

4 SECTION 11. Employment of unregistered persons.

5 It shall be a violation of this ordinance for any person to employ for compensation or any  
6 consideration, or pay or agree to pay any compensation or consideration to, a person to lobby who is  
7 not registered under this ordinance except upon condition that such person register as a lobbyist as  
8 provided by this ordinance, and such person does in fact so register in conformance with Section 3 of  
9 this ordinance.

10 SECTION 12. Lobbyists' duties and restrictions.

11 A person required to register as a lobbyist under this ordinance shall also have the following  
12 obligations, the violation of which may subject the person, and the person's employer, if that  
13 employer willfully aids, abets, ratifies or confirms any such act, to civil penalties, as provided by this  
14 ordinance:

15 A. A person required to register as a lobbyist shall obtain and preserve all accounts, bills,  
16 receipts, books, papers and documents necessary to substantiate the financial reports required to be  
17 made under this ordinance for a period of at least five years from the date of the filing of the  
18 statement containing such items. These accounts, bills, receipts, books, papers and documents shall  
19 be made available for inspection by the department during regular business hours: provided, that if a  
20 lobbyist or sponsor is required under the terms of his or her employment contract to turn any records  
21 over to his or her employer, responsibility for the preservation of such records under this subsection  
22 shall rest with that employer;

23 B. In addition, a person required to register as a lobbyist under this ordinance shall not:

- 24 1. Engage in any activity as a lobbyist before registering as such;

- 1                   2. File any statement or report with the department that is incomplete in any material  
2 respect or contains a statement that is false or misleading with respect to any material fact;
- 3                   3. Fail to comply with any of the reporting requirements of this ordinance;
- 4                   4. Knowingly deceive or attempt to deceive any councilmember or the council as to  
5 any fact pertaining to any pending or proposed legislation;
- 6                   5. Cause or influence the introduction of any legislation or amendment thereto for the  
7 purpose of thereafter being employed to secure its defeat;
- 8                   6. Exercise any undue influence, extortion or unlawful retaliation upon any  
9 councilmember by reason of such councilmember's position with respect to, or his or her vote upon,  
10 any legislation; or
- 11                  7. Enter into any agreement, arrangement, or understanding according to which his or  
12 her compensation, or any portion thereof, is or will be contingent upon the success of any attempt to  
13 influence legislation.

14                   SECTION 13. Department – Administrative Duties.

15                   The department shall:

- 16                   A. Prepare, publish and update, as appropriate, documents written in plain language  
17 explaining the provisions of this ordinance and, further, develop and implement other methods to  
18 educate the public, including, but not limited to, grassroots campaign lobbying groups, employers  
19 and lobbyists concerning the requirements of this ordinance;
- 20                   B. Develop and provide forms for the reports and statements required to be made under this  
21 ordinance;
- 22                   C. Prepare and publish a manual setting forth recommended uniform methods of  
23 bookkeeping and reporting for use by persons required to make reports and statements under this  
24 ordinance;
- 25                   D. Compile and maintain a current list of all filed reports and statements;

1 E. Annually publish and disseminate a directory of lobbyists which sets forth the name,  
2 employer, if applicable, and telephone number of each lobbyist;

3 F. Determine whether properly completed statements and reports have been filed within the  
4 times required by this ordinance;

5 G. Prepare and publish an annual report to the council as to the effectiveness of this  
6 ordinance and its enforcement, provided that with the first annual report the executive shall include  
7 recommendations on whether the preparation of legislation by the executive branch and/or  
8 promulgating rules should be activities within the definition of "lobbying." These recommendations  
9 shall be based on a review of the questions by a task force established by the board of ethics;

10 H. Review at least every five years the monetary reporting thresholds and penalties of this  
11 ordinance. The focus of this review shall include recognition of economic changes and any related  
12 changes promulgated by rule. Upon completion of its review, the department shall recommend to the  
13 council necessary changes, if any, to the monetary reporting thresholds and penalties of this  
14 ordinance;

15 I. Adopt administrative rules to carry out the policies and purposes of this ordinance. The  
16 initial administrative rules shall be effective upon approval by the metropolitan King County council  
17 by motion. The department shall transmit the initial administrative rules for council approval within  
18 four months after the enactment of this ordinance. The department shall consult with an advisory  
19 group of citizens when preparing these initial administrative rules. Thereafter, the department shall  
20 adopt administrative rules pursuant to K.C.C. chapter 2.98;

21 J. Prepare and publish such reports as in its judgment will address the purposes of this  
22 ordinance including reports and statistics concerning lobbying and enforcement of this ordinance;

23 K. Audit the registrations and reports of lobbyists, sponsors of professional grass roots  
24 lobbying campaigns and lobbyists' employers;

1 L. Give a written warning for the first violation to any person registered under this  
2 ordinance who fails to file required statements and reports within the timelines established herein by  
3 certified mail, return receipt requested. Each subsequent violation after the initial warning has been  
4 given shall be assessed a late report filing fee of fifty dollars and an additional late fee of ten dollars  
5 per day for up to thirty days. Late fees shall be assessed by the department and may be appealed to  
6 the hearing examiner within thirty days of assessment.

7 SECTION 14. Complaints and Investigations.

8 A. Complaints alleging a violation of any of the provisions of this ordinance shall be filed  
9 with the county auditor. Any such complaint shall be in writing, verified and signed by the  
10 complainant. The complainant shall describe the basis for the complainant's belief that this  
11 ordinance has been violated.

12 B. Within twenty days of receiving a complaint meeting the requirements of subsection A  
13 of this section the auditor shall serve or mail, by certified mail, return receipt requested, a copy of  
14 the complaint to the person alleged to have violated this ordinance. Within forty days of receiving  
15 the complaint the auditor shall analyze the merits of the complaint to determine whether a full  
16 investigation is warranted. The auditor shall have the authority to issue an order dismissing the  
17 complaint, or specific sections of the complaint, if the complaint or specific sections of the  
18 complaint, as written, do not state facts upon which relief under this ordinance may be granted.

19 C. If the auditor determines that a full investigation of the complaint is warranted, then the  
20 investigation shall be directed to ascertain the facts concerning the violation or violations of the  
21 ordinance alleged in the complaint and shall be conducted in an objective and impartial manner. In  
22 furtherance of such investigation the auditor is authorized to use the subpoena power to compel  
23 sworn testimony from any person and require the production of any records relevant or material to  
24 the investigation except information which is legally privileged.

1           D. During the investigation, the auditor shall consider any statement of position or evidence  
2 with respect to the allegations of the complaint which the complainant or respondent wishes to  
3 submit.

4           E. The results of the investigation shall be reduced to written findings of fact and a finding  
5 shall be made that there either is or is not reasonable cause for believing that the respondent has  
6 violated one or more provisions of the ordinance.

7           F. If a finding is made that there is no reasonable cause, then the finding shall be served or  
8 mailed, by certified mail, return receipt requested, to the complainant and the respondent and the  
9 finding shall be final.

10 The original of the auditor's finding shall be filed with the clerk of the council.

11  
12           G. If a finding is made that reasonable cause exists to believe that the respondent has  
13 violated one or more of the provisions of this ordinance, then the auditor shall prepare an order to  
14 that effect, copies of which shall be served or mailed, by certified mail, return receipt requested, to  
15 the complainant and the respondent. The reasonable cause order shall include:

- 16           a. a finding that one or more violations of this ordinance has occurred;
- 17           b. the factual basis for such finding;
- 18           c. the amount of the civil penalty or penalties imposed for remedial purposes to be  
19 assessed for each violation of the ordinance: provided, that a person who is found to have violated a  
20 provision of this ordinance shall be given a written warning for the first violation by certified mail,  
21 return receipt requested and shall be subject to a civil penalty of up to one thousand dollars for each  
22 subsequent violation after the warning has been given. And further provided that no individual  
23 penalty may exceed one thousand dollars per violation and in any case where multiple violations are  
24 involved in a single complaint, the maximum aggregate civil penalty shall not exceed two thousand  
25 five hundred dollars; and



1 d. a notice informing the respondent that the respondent has the right to a hearing before  
2 the hearing examiner as set forth in Section 15 of this ordinance.

3 The original of the auditor's order shall be filed with the clerk of the council.

4 SECTION 15. Appeals.

5 A. Any respondent aggrieved by an order of the auditor may request in writing within  
6 twenty days of the service of the order upon the respondent an appeal hearing before the hearing  
7 examiner. The request shall cite the order appealed from and specify with particularity the findings  
8 being contested. The request shall be filed with the hearing examiner with a copy to the auditor and  
9 the complainant.

10 B. Any order issued by the auditor pursuant to Section 14 of this ordinance shall become  
11 final twenty days after service of the order unless a written request for an appeal hearing as set forth  
12 above is received by the hearing examiner within the twenty day period.

13 C. If an order of the auditor has been timely appealed, a hearing shall be conducted by the  
14 hearing examiner for the purpose of affirming, denying or modifying the order. The parties to the  
15 hearing shall be the respondent and the auditor. There shall be a verbatim record kept of the hearing  
16 and the hearing examiner shall have the power to administer oaths and affirmations, issue  
17 subpoenas, compel attendance, take evidence and require the production of any books, papers,  
18 correspondence, memoranda or other documents relevant or material to the hearing, except  
19 information which is covered by the attorney-client privilege. The burden of proving that a violation  
20 occurred shall at all times be upon the auditor. The decision of the hearing examiner shall be based  
21 upon a preponderance of the evidence. Such hearing shall be conducted within a reasonable time  
22 after receipt of the request for appeal. Written notice of the time and place of the hearing shall be  
23 given to the parties and the complainant at least ten days prior to the date of the hearing.

24 D. At the hearing each party shall have the following rights:

- 1                   1. To call and examine witnesses on any matter relevant to the issues raised by the
- 2 order of the auditor;
- 3                   2. To introduce documentary and physical evidence;
- 4                   3. To cross-examine opposing witnesses on any relevant matter;
- 5                   4. To impeach any witness regardless of which party first called the witness to testify;
- 6                   5. To rebut evidence against him or her; and
- 7                   6. To represent himself or herself or to be represented by anyone of his or her choice
- 8 who is lawfully permitted to do so.

9                   E. Following review of the evidence submitted the hearing examiner shall, within a  
10 reasonable time, enter written findings and conclusions and shall affirm or modify the order  
11 previously issued if the hearing examiner finds that one or more violations of this ordinance have  
12 occurred. The hearing examiner shall reverse the order if he or she finds that no violations of this  
13 ordinance have occurred. A copy of the hearing examiner's decision shall be served or mailed, by  
14 certified mail, return receipt requested, to the auditor, the respondent and the complainant.  
15 The original of the hearing examiner's decision shall be filed with clerk of the council.

16                   F. A decision of the hearing examiner shall be a final and conclusive action unless within  
17 twenty-one calendar days from the date of issuance of the hearing examiner's decision an aggrieved  
18 person files an appeal in superior court, state of Washington, for the purpose of review of the action  
19 taken.

20                   SECTION 16. Effective Date.

21                   Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 15 of this ordinance shall be effective on the  
22 same date as the council motion approving the initial administrative rules required by Section 13 of  
23 this ordinance is passed.

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SECTION 17. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

INTRODUCED AND READ for the first time this 20<sup>th</sup> day of January, 1998.

PASSED by a vote of 13 to 0 on this 9th day of November, 1998.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

\_\_\_\_\_/s/\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Clerk of the Council

APPROVED this 20th day of November, 1998.

\_\_\_\_\_/s/\_\_\_\_\_  
King County Executive

Attachments: None