

State of Washington
PUBLIC DISCLOSURE COMMISSION
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MINUTES – Regular Meeting

9:30 a.m. | March 26, 2020

711 Capitol Way S. #206

Olympia, Washington

Commission Members Present (Participated via Microsoft Teams Online)

David Ammons, Chair; Russell Lehman, Vice Chair; Bill Downing, member; Fred Jarrett, member; Nancy Isserlis, member.

Staff Present (Participated via Microsoft Teams Online)

Peter Lavalley, Executive Director; BG Sandahl, Deputy Director; Kim Bradford, Communications and Outreach Director; Sean Flynn, General Counsel; James Gutholm, Chief Information Officer; Jana Greer, Administrative Officer; Kurt Young, Compliance Officer; Jennifer Hansen, Compliance Officer; Fox Blackhorn-Delph, Compliance Coordinator 2; Tabitha Townsend, Compliance Coordinator; John Meader, Assistant Attorney General representing the Commission; and Chad Standifer, Assistant Attorney General representing PDC staff.

The regular meeting of the Public Disclosure Commission (PDC) was called to order by Commission Chair David Ammons at 9:30 a.m.

Introductions | [PDC Meeting Video](#)

Chair Ammons spoke about the meeting being held remotely due to recent events involving Covid-19, and the Governor's Emergency Proclamation [20-28](#).

Opening Comments from the Chair | [PDC Meeting Video](#)

Chair Ammons explained the meeting was being held under unusual circumstances and that some agenda items may be postponed until a later date, due to the Governor's Proclamation. The PDC Staff and Commission continues to conduct business during this emergency situation, and Chair Ammons expressed the Commission's appreciation of Staff for all of the incredible work it took to quickly implement all aspects of teleworking.

Executive Director Peter Lavalley spoke on the closure of the PDC office to the public for safety concerns and commended all staff on the transition to telework during this unprecedented time. Customer service and compliance statistics continue to be on par with the previous year. Updates to the PDC telework policy and stipends to offset some Staff out-of-pocket costs for online access have been implemented.

Public Comments | [PDC Meeting Video](#)

No public comments.

COVID 19 update: The March 26, 2020 Public Disclosure Commission Meeting was streamed live at <https://www.youtube.com/user/WASTPDC/live>

A Public Comment period was noticed and announced, and a conference call line was available and provided for public comment during this time.

Consideration and Possible Approval of Meeting Minutes | [PDC Meeting Video](#)

Meeting minutes were presented to the Commission for consideration and possible approval:

- February 27, 2020 Regular Meeting

MOTION 20-011 Moved by Commissioner Isserlis and seconded by Commissioner Lehman that:

The Commission approve the meeting minutes for the February 27, 2020 Regular meeting as presented.

The motion passed 5-0.

Budget Update | [PDC Meeting Video](#)

The PDC (agency) budget continues to be in good standing and underspent. The Attorney General costs continue to be the largest and most variable expense within the Agency.

There is an active recruitment to fill the soon-to-be-vacated Application Developer position, as well as the Project Manager position funded by the Legislature from the Transparency Account.

Rulemaking & Interpretations | [PDC Meeting Video](#)

General Counsel Sean Flynn presented the revised draft of Interpretation [07-02 “Primary Purpose Test” \(Definition of Political Committee\)](#) for review and discussion. Initially proposed in December to the Commission, the draft presented included the comments and considerations discussed in December, as well as comments that have been submitted by stakeholders.

Chair Ammons deferred action on the matter until a later date, at which time the Commission can continue to discuss and possibly take action.

Legislative Update & Discussion | [PDC Meeting Video](#)

Executive Director Lavalley spoke on PDC agency-request legislation and how the bill, as amended, did not ultimately pass. Staff expressed commitment to continuing conversations for possible future request legislation on items such as misleading endorsement language, how Legislative Staff F-1’s are handled, and Commissioner activities.

Staff discussed the work completed on the foreign election-influence bill, [SSB 6152](#), and the possibility of proposing an emergency rule to the Commission by June, due to the rulemaking “freeze” around the upcoming election, while also working on permanent rules that could be presented for consideration and possible adoption in November.

The Commission commended the Staff on the work they have done throughout the session and discussed potential planning for the next legislative session and taking steps toward a public ad archive.

Reporting Modification Request | [PDC Meeting Video](#)

The Commission conducted a hearing of requests for reporting modifications remotely. Fox Blackhorn-Delph, Compliance Coordinator 2; Tabitha Townsend, Compliance Coordinator; and Jennifer Hansen, Compliance Officer, presented the requests to the Commission for consideration and possible approval.

All applicants declined to participate.

Request for reporting modification

Jeffrey Swan – Candidate, Superior Court Judge, Yakima County [WAC 390-28-100\(1\)\(d\)](#).

MOTION 20-012 Moved by Commissioner Lehman and seconded by Commissioner Ammons that:

The Commission deny the partial reporting modification as requested on the basis that literal application of the law would not cause a manifestly unreasonable hardship on the applicant and that limited modification would frustrate the purposes of the act.

The motion passed 4-1.

Commissioners Ammons, Lehman, Downing, and Isserlis voted in favor of the motion to deny the request as presented. Commissioner Jarrett voted against the motion.

Requests for renewed modification

Linda Hamilton – Incumbent, Professional Staff, Office of Financial Management [WAC 390-28-100\(d\)](#)

MOTION 20-013 Moved by Commissioner Lehman and seconded by Commissioner Downing that:

The Commission grant the partial reporting modification, for a limited duration, finding that the literal application of the law would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the Act.

The motion passed 5-0.

Barre Seibert – Incumbent, City Council Member, City of Clyde Hill [WAC 390-28-100\(1\)\(b\)](#)

Matthew W Williams – Incumbent, Superior Court Judge, King County [WAC 390-28-100\(1\)\(b\)](#), [WAC 390-28-100\(1\)\(d\)](#)

Riley Clubb – City Council Member, City of Walla Walla [WAC 390-28-100\(1\)\(b\)](#)

WM Alan White – Incumbent, Commissioner, Grant County Hospital District [WAC 390-28-100\(1\)\(e\)\(iv\)](#)

MOTION 20-014 Moved by Commissioner Downing and seconded by Commissioner Jarrett that:

The Commission grant the partial reporting modifications as requested, finding that the literal application of the law would cause a manifestly unreasonable hardship on the applicants and that the limited modifications would not frustrate the purposes of the Act.

The motion passed 4-1.

Commissioners Ammons, Jarrett, Downing, and Isserlis voted in favor of the motion. Commissioner Lehman opposed.

State Parties request for reporting modification:

Washington State Democratic Central Committee – Bona Fide Party Political Action Committee, State of Washington [RCW 42.17A.120](#)

Washington State Republican Central Committee – Bona Fide Party Political Action Committee, State of Washington [RCW 42.17A.120](#)

MOTION 20-015 Moved by Commissioner Lehman and seconded by Commissioner Jarrett that:

The Commission grant the partial reporting modifications as requested, finding that the literal application of the law would cause a manifestly unreasonable hardship on the applicants and that the limited modifications would not frustrate the purposes of the Act.

The motion passed 5-0.

Reporting Modification Request Process | [PDC Meeting Video](#)

Agenda item was deferred for discussion at a future meeting.

Commissioner Lehman asked that two of the Commission members review the request and report to the Commission at the April commission meeting.

Commissioners Isserlis and Lehman will review the request process and report the preferred option.

Next Steps/Follow-up: Commission sub-committee will meet and present preferred options to the Commission for discussion and possible action at the April meeting.

Reviews and Reconsiderations (Enforcement) | [PDC Meeting Video](#)

Compliance Coordinator Tabitha Townsend presented the first case for review and reconsideration: Toni Overmeyer (PDC Case [59761](#)), Candidate, Des Moines Parks and Recreations Commission.

The Commission was asked to review and reconsider the Initial Order in PDC Case [59761](#), as Staff was informed the former Candidate is now deceased.

MOTION 20-016 Moved by Commissioner Downing and seconded by Commissioner Lehman that:

The Commission grant the request for reconsideration.

The motion passed 5-0.

MOTION 20-017 Moved by Commissioner Downing and seconded by Commissioner Lehman that:

The Commission amend the initial Order. The Findings of Fact and Conclusions of Law and the civil penalty assessed at the January 23, 2020, hearing shall be Vacated.

The motion passed 5-0.

Enforcement Hearing | [PDC Meeting Video](#)

Chad Standifer, AAG, presented the [Proposed Stipulation](#) for the Commission's consideration and possible approval in *WA State Society of Certified Public Accountants PAC*, [PDC Case 34207](#).

Hayden Williams represented the Washington Society of Public Accountants PAC and participated via conference call.

The case involved alleged violation of [RCW 42.17A.235](#) and [.240](#) by failing to timely file Summary Campaign Contribution and Expenditure Reports (C-4 reports) and Monetary Contributions Reports (C-3 reports), disclosing contributions and expenditures during calendar year 2016.

MOTION 20-018 Moved by Commissioner Lehman and seconded by Commissioner Jarrett that:

The Commission find the Respondent is now in compliance with [RCW 42.17A](#) & [WAC 390](#) and accept the stipulation and assess a penalty of \$2,500 with \$1,250 suspended. The non-suspended portion of the penalty is to be paid within 30-days of the date of the final order in this matter and the Committee is to be compliant with all reporting requirements.

The motion passed 5-0.

Reviews and Reconsiderations (Enforcement)– Continued | [PDC Meeting Video](#)
[Martin Morgan](#), Candidate, City Council Member, City of Kirkland (PDC Case [58694](#)).

Martin Morgan participated by phone. [PDC Meeting Video](#)

MOTION 20-019 Moved by Commissioner Lehman and seconded by Commissioner Downing that:

The Commission deny the request for Reconsideration as presented.

The motion passed 4-1.

Commissioners Ammons, Lehman, Downing, and Isserlis voted to deny Reconsideration. Commissioner Jarrett voted against the motion.

[NOTE: Please see the Commission's subsequent [Order for Continuance](#) on this matter.]

Enforcement Updates | [PDC Meeting Video](#)

Kurt Young, Compliance Officer, provided the enforcement update report for the period: February 19, 2020 to March 12, 2020.

59 Active Cases Open
16 Pre-effective date of House Bill 2938
43 Post-effective date of House Bill 2938

Several cases were closed during the period, and most were a result of Lobbyist group enforcement involving Lobbyists, Lobbyist Employers, and Lobbyist training certifications.

Management Team Updates | [PDC Meeting Video](#)

Peter Lavalley, Executive Director presented updates to the Commission.

- Telework Policy Update
- Kudos to Staff

Kim Bradford, Communications and Outreach Director provided Customer Service and Filer Assistance updates to the Commission.

- F-1 Season & Statistics
- Telework Impacts
- F-1s During Tax Season; Partial Reporting Due to COVID-19 with a Duty to Amend
- Public Records & F-1 Requests

James Gutholm, Chief Information Officer, provided an update on the PDC IT activity report.

- Kudos to the Team
- Transition to and Impacts of Teleworking
- Campaign Finance Reporting Project Continuation
- New Version of ORCA

No Executive Session was held.

Meeting adjourned at 12:50 p.m.

Next Steps/Follow-up:

Commission sub-committee will meet and present preferred options to the Commission for discussion and possible action at the April meeting.

Minutes Approved April 23, 2020.