

**State of Washington**  
**PUBLIC DISCLOSURE COMMISSION**  
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**MINUTES – Regular Meeting**

9:30 a.m. | December 3, 2020

711 Capitol Way S. #206

Olympia, Washington

**Commission Members Present (Participated via Microsoft Teams Online)**

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

**Staff Present (Participated via Microsoft Teams Online)**

Peter Frey 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; Erick Agina, Compliance Officer; Chad Johnson, Senior Financial Consultant, Department of Enterprise Services (DES); 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 9:33 a.m.

**[PDC Meeting Video](#)**

COVID 19 update: The December 3, 2020 Public Disclosure Commission Meeting was streamed live at <https://www.youtube.com/user/WASTPDC/live>.

The December commission meeting was held remotely pursuant to the Governor’s Emergency Proclamation [20-28](#) regarding Covid-19, waiving in-person meeting and access requirements.

**Public Comment | [PDC Meeting Video](#) or [PDC Meeting Video](#)**

As was noticed and announced, a conference call line was provided for public comment during this time.

No person(s) provided public comment at the December 3, 2020, Regular Meeting.

**Chair Farewell Comments | [PDC Meeting Video](#)**

Chair Ammons, in parting remarks at his last meeting as a commissioner, reflected on his time with the agency and the progress, sterling reputation and great staff of the Public Disclosure Commission. He thanked current and past commissioners, PDC staff, Assistant Attorneys General and PDC counsel, Governor Inslee, budget leaders, legislators including Senator Hunt, Representative Gregerson, and the public.

Executive Director Frey Lavalley presented a letter from the Governor addressed to Chair Ammons and a plaque of appreciation.

Fellow commissioners and PDC staff expressed gratitude toward Chair Ammons for his service and dedication to the agency.

**Election of Chair and Vice Chair 2021-2022 | [PDC Meeting Video](#)**

**MOTION 20-084** Moved by Commissioner Downing and seconded by Commissioner Lehman that:

**The Commission elect Commissioner Fred Jarrett as the Chair of the Washington State Public Disclosure Commission for the remainder of the current 2020 - 2021 term – 2022 with the expectation to extend to a full year’s term beginning in June 2021.**

The motion passed 5 – 0.

**MOTION 20-085** Moved by Commissioner Downing and seconded by Commissioner Lehman that:

**The Commission elect Commissioner Nancy Isserlis as the Vice Chair of the Washington State Public Disclosure Commission for 2021 – 2022 with the expectation to extend to a full year’s term beginning in June 2021.**

The motion passed 5 – 0.

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

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

- October 15, 2020, Special Meeting
- October 22, 2020, Regular Meeting

**MOTION 20-086** Moved by Commissioner Isserlis and seconded by Commissioner Jarrett that:

**The Commission approve the meeting minutes for the October 15, 2020, special meeting as presented.**

The motion passed 4 – 0, Commissioners Ammons, Jarrett, Downing, and Isserlis voted to approve. Commissioner Lehman abstained.

**MOTION 20-087** Moved by Commissioner Isserlis and seconded by Commissioner Jarrett that:

**The Commission approve the meeting minutes for the October 22, 2020, regular meeting as presented.**

The motion passed 5 - 0.

**2021 Commission Meeting Dates | [PDC Meeting Video](#)**

The Commission reviewed the 2021 schedule for regular meetings of the Public Disclosure Commission to be submitted to the Code Reviser.

**MOTION 20-088** Moved by Commissioner Downing and seconded by Commissioner Jarrett that:

**The Commission approve the 2021 Commission meeting dates as presented for submission to the Code Reviser.**

The motion passed 5 - 0.

**Public Hearing | Rulemaking | [PDC Meeting Video](#)**

Sean Flynn, General Counsel, recommended that the commission not move forward at this time regarding the amendment of the proposed permanent rules of [SSB 6152](#). The agency received a substantial number of comments that will require more time to adequately review. Staff is proposing to come back to the Commission in January 2021 with the intent to proceed with rulemaking. General Counsel Flynn summarized the highlights of the comments that have been received.

[Dimitri Iglitzin](#) provided public comment regarding his thoughts on the burden of the need to obtain certification repeatedly for the same donor organizations as per the requirements set forth in [SSB 6152](#).

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

[Peter Frey Lavallee](#), Executive Director, presented updates to the Commission.

- COVID-19 Guidance and Remote Work Update.
- Congratulations to Chair Elect Jarrett and Vice Chair Elect Isserlis.
- Farewell to Chair Ammons.
- Senate Committee Meeting Update.
- Anticipated Reintroduction of the “Faux Mailers Issue” Bill by Representative Thai.

[BG Sandahl](#), Deputy Director, presented updates to the Commission.

- Audit Program Update.
- Process Improvement for Complaint to Enforcement Process.
- Active Enforcement Case Update.
- Group Enforcement Update.

[James Gutholm](#), Chief Information Officer, provided an update on PDC IT activity.

- Campaign Finance Data Migration Update.
- Post Deployment Support for Data Migration.
- Real-time Data Updates.
- Financial Affairs System Usability Study.

[Kim Bradford](#), Communications and Outreach Director, provided Customer Service and Filer Assistance updates to the Commission.

- Annual Report Update.
- Strategic Goals – Training Program Expansion.
- Legal Discovery Requests.
- Electronic Filing Hardship Exemption Update.

**Budget Update | [PDC Meeting Video](#)**

Executive Director Frey Lavallee said he has provided information to the Governor’s Office regarding the PDC, the progress it’s made over recent years and the adverse effect that potential cuts in staffing could have on the agency.

Chad Johnson, Senior Financial Consultant, Department of Enterprise Services (DES), updated the Commission on the budget requests submitted by the agency. He discussed the meeting he had with the Office of Financial Management to clarify some budget questions. Mr. Johnson is now awaiting the Governor's proposed budget, expected to be released by December 20, 2020. Mr. Johnson noted that the next revenue forecast is expected in February 2021.

**F-1 filers who partially reported due to COVID-19** | [PDC Meeting Video](#)

Outreach and Communications Director Kim Bradford provided an update on the COVID-19 reporting option that was made available to financial affairs (F-1) filers in March 2020. The option allowed for 2020 filers to file partial financial affairs statements because of limited access to records due to the pandemic. Those filers made a commitment to complete their reports no later than 30 days after the State of Emergency had lifted.

Given that most institutions have reopened in some fashion, PDC staff believes most filers should now be able to complete their reports. The agency will be performing outreach to the 303 filers who claimed the partial reporting option to notify them of the need to amend their reports or provide a written explanation of the inability to file complete reports. The COVID-19 reporting option will not be available for the 2021 filing season.

**Enforcement Updates** | [PDC Meeting Video](#)

Kurt Young, Compliance Officer, provided the enforcement update report for the period October 14, 2020, to November 23, 2020:

As of November 23, 2020, 53 Active Cases Open.

14 Under Investigation with Initial Hearings

39 Cases Under Assessment

153 Group Enforcement Cases

43 Cases Closed during the Period

- 6 Cases found with No Evidence of Violations
- 22 Cases Closed with Reminder
- 5 Cases Closed with Formal Written Warning
- 4 Cases Closed as Unfounded
- 5 Cases Resolved through Statement of Understanding
- 1 Case Violation Found by the Commission

**Break/Executive Session /Closed Session** | [PDC Meeting Video](#)

The Commission went into Executive Session at 11:45 a.m. to discuss matters allowed in Executive Session pursuant to [RCW 42.30.110](#), including but not limited to discussion of enforcement matters, pending and potential litigation with legal counsel, and personnel matters.

Returned to public meeting at 1:08 p.m.

**Enforcement (Possible Stipulation)** | [PDC Meeting Video](#)

Chad Standifer, Assistant Attorney General, presented the proposed Stipulation for [PDC Case 75003](#), [Committee to Recall Snohomish County Sheriff Adam Fortney](#), involving alleged violations of [RCW 42.17A.235](#) and [RCW 42.17A.240](#) for failure to timely and accurately report contributions.

Colin McMahon, Chair of the Committee to Recall Snohomish County Sherriff Adam Fortney, participated by phone via Microsoft Teams.

**MOTION 20-089** Moved by Commissioner Downing and seconded by Commissioner Jarrett that:

**The Commission approve the stipulation as to Facts, Violations and Penalty with the following amendments: The inclusion of 30 days payment or referral to collections language, the duration of the deferred enforcement remaining until dissolution of the Committee, and the acknowledgment that all other requirements of 42.17A are applicable and to be adhered to with the exception of the campaign contribution limitation.**

The motion passed 5 - 0.

PDC staff and Mr. McMahon, on behalf of the Committee, concurred in the amendments.

**Consideration of Petition for Declaratory Order by Committee to Recall Sherriff Adam Fortney and Possible Commission Action** | [PDC Meeting Video](#)

Colin McMahon, Chair of the Committee to Recall Sherriff Adam Fortney, agreed the topic could be withdrawn from discussion due to the conclusion of the previous agenda item.

Meeting adjourned at 1:48 p.m.

Approved January 28, 2021.