

State of Washington
PUBLIC DISCLOSURE COMMISSION
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MINUTES – Regular Meeting

9:30 a.m. | February 25, 2021
711 Capitol Way S. #206
Olympia, Washington

Commission Members Present (Participated via Microsoft Teams Online)

Fred Jarrett, Chair; Nancy Isserlis, Vice Chair; Bill Downing, Member; Russell Lehman, 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; Jennifer Hansen, Compliance Officer; Tabatha Blacksmith, Compliance Coordinator; 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 at 9:30 a.m.

[PDC Meeting Video](#)

COVID 19 update: The February 25, 2021, Public Disclosure Commission Meeting was streamed live at <https://www.youtube.com/user/WASTPDC/live>.

The 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](#)

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 February 25, 2021, Regular Meeting.

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

Chair welcomed all attendees and viewers to the February 25, 2021, virtual regular Commission meeting.

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

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

- January 28, 2021, Regular Meeting

MOTION 21-09

Moved by Commissioner Isserlis and seconded by Commissioner Lehman that:

The Commission approve the meeting minutes for the January 28, 2021, regular meeting as presented.

Commissioner Downing abstained.

The motion passed 3 - 0.

Legislative Update | [PDC Meeting Video](#)

Deputy Director Barbara Sandahl and General Counsel Sean Flynn presented updates on current legislation that are being tracked for possible impacts to the agency.

- [HB 1475](#) – Permitting certain foreign nationals to participate in campaign finance decision making and campaigns for and against ballot measures and initiatives. Action was not taken on the bill before a key cutoff deadline.
- [SB 5432](#) – Concerning cybersecurity and data sharing in Washington state government. This bill is still pending and is being tracked for amendments that could affect the PDC.

The agency also is awaiting the release of budget proposals after March 20.

Rulemaking – SB 6152 (Foreign Donor Bill) | [PDC Meeting Video](#)

General Counsel Sean Flynn highlighted the technical and language changes made to the most recent draft of the proposed permanent rules for [SB 6152](#), concerning certification of the level of foreign national ownership for corporations that participate in Washington state elections.

Staff recommended that the Commission postpone adoption until the March 2021 regular Commission meeting and continue with the emergency rules, which provide some clarity and guidance on the law.

The Commission accepted the staff's recommendation. No action was taken on this item at the February 25, 2021, regular Commission meeting.

Commissioner Isserlis stepped away from the regular meeting at 9:57 a.m.

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

[Peter Frey Lavallee](#), Executive Director, provided the following updates to the Commission:

- Post-Covid Return
- PDC Staff Wellness
- Budget

[BG Sandahl](#), Deputy Director, provided the following updates:

- Group Enforcement
- Mapping Project
- Auditing
- Enforcement Caseload

[James Gutholm](#), Chief Information Officer, provided the following updates:

- PDC Office 365 Migration
- Electronic Filing Modernization

[Kim Bradford](#), Communications and Outreach Director, provided the following updates:

- F1 Reminders and Training
- Outreach Efforts
- ORCA Project & Communications
- Website Redesign

Commissioner Isserlis returned to the regular meeting at 10:33 a.m.

Strategic Plan Update

- [Commissioner Isserlis](#) - Compliance Audit Project
- [Commissioner Downing](#) – Enforcement Process Mapping Project
- [Commissioner Lehman](#) – Digital Political Advertising Project
- [Chair Jarrett](#) – Training Expansion Project
- [Chair Jarrett](#) – Online Disclosure Modernization Effort

Budget Update | [PDC Meeting Video](#)

Chad Johnson, Senior Financial Consultant, Department of Enterprise Services (DES), was unable to attend the February 25, 2021, regular meeting. Executive Director Lavalley presented budget updates to the Commission during the Management Team update portion of the agenda.

Executive Director Lavalley indicated there had been no significant changes in the budget. He briefed the Commission on the most recent Attorney General services bill, which was under the estimated cost, provided updates on the vacant PDC staff position and the “22W” Transparency Fund.

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

11:15 a.m. The Commission conducted a hearing of requests for reporting modifications remotely. Jennifer Hansen, Compliance Officer, presented the requests to the Commission for consideration and possible approval.

New

[Diana Kiesel](#) – Judge, Pierce County Superior Court [WAC 390-28-100\(1\)\(d\)](#)

MOTION 21-010 Moved by Commissioner Downing and seconded by Commissioner Isserlis that:

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

The motion passed 3 -1.

Commissioners Jarrett, Isserlis and Downing voted to approve.

Commissioner Lehman voted no.

[Robert Kimball](#) – School Director, Rainier Prep Charter School [WAC 390-28-100\(1\)\(d\)](#)

MOTION 21-011 Moved by Commissioner Lehman and seconded by Commissioner Isserlis that:

The Commission deny the partial reporting modification as requested, on the basis that the applicant has failed to show that literal application of the law would cause a manifestly unreasonable hardship or that the modification would not frustrate the purposes of the Act.

The motion passed 4 - 0.

[Flora E. Lucatero](#) – Trustee, Skagit Valley College [WAC 390-28-100\(1\)\(d\)](#)

MOTION 21-012 Moved by Commissioner Lehman and seconded by Commissioner Downing that:

The Commission deny the partial reporting modification as requested, on the basis that the applicant has failed to show that literal application of the law would cause a manifestly unreasonable hardship or that the modification would not frustrate the purposes of the Act.

The motion passed 4 - 0.

Enforcement Updates | [PDC Meeting Video](#)

Kurt Young, Compliance Officer, provided the enforcement update report for the period January 20, 2021, through February 17, 2021: As of February 17, 2021, 42 Active Cases Open and 32 cases were closed during the period.

Executive Session

The Commission went into Executive Session at 11:59 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 1:00 p.m.

Enforcement (Request for Review) | [PDC Meeting Video](#)

1:02 p.m. The Commission conducted a hearing of requests for review.

Tabatha Blacksmith, Compliance Coordinator, presented the request for review of [PDC Case 80261, Jonathon Rodeback](#).

Jonathon Rodeback participated via Microsoft Teams.

During a Brief Enforcement Hearing held on December 17, 2020, Jonathon Rodeback, an elected official for School Director for Toutle Lake School District 130, was found to have violated [RCW 42.17A.700](#) by failing to file a Personal Financial Affairs Statement covering calendar year 2019 and due no later than April 15, 2020. At the December 17, 2020, Brief Enforcement Hearing, an order imposing a \$250 civil penalty was entered, which Jonathon Rodeback now requests the Commission to review.

MOTION 21-013 Moved by Commissioner Lehman and seconded by Commissioner Downing that:

The Commission deny the request for review.

The motion passed 4 - 0.

Tabatha Blacksmith, Compliance Coordinator, presented the request for review of [PDC Case 80272, Joan Young](#).

Heather Young on behalf of Joan Young participated via Microsoft Teams.

During a Brief Enforcement Hearing held on December 17, 2020, Joan Young, an elected official for Hospital Commissioner for King County Hospital District 4, was found to have violated [RCW 42.17A.700](#) by failing to file a Personal Financial Affairs Statement covering calendar year 2019 and due no later than April 15, 2020. At the December 17, 2020, Brief Enforcement Hearing, an order imposing a \$250 civil penalty was entered, which Joan Young now requests the Commission to review.

MOTION 21-014 Moved by Commissioner Downing and seconded by Commissioner Isserlis that:

The Commission grant the review and find the respondent, Joan Young, PDC Case 80272, to now be in full compliance and rescind the \$250 civil penalty.

The motion passed 4 - 0.

Tabatha Blacksmith, Compliance Coordinator, presented the request for review of [PDC Case 80278, Mary M. Tompkins](#).

During a Brief Enforcement Hearing held on December 17, 2020, Mary M. Tompkins, an elected official on the City Council for City of Milton, was found to have violated [RCW 42.17A.700](#) by failing to file a Personal Financial Affairs Statement covering calendar year 2019 and due no later than April 15, 2020. At the December 17, 2020, Brief Enforcement Hearing, an order imposing a \$250 civil penalty was entered, which Mary M. Tompkins now requests the Commission to review.

MOTION 21-015 Moved by Commissioner Downing and seconded by Commissioner Lehman that:

The Commission grant the review and find the respondent, Mary Tompkins, PDC Case 80278, to now be in full compliance and be issued a refund for the \$250 civil penalty.

The motion passed 4 - 0.

The Commission recessed at 1:30 p.m. Returned: 1:40 p.m.

Annual F-1 Enforcement | [PDC Meeting Video](#)

1:40 p.m. The Commission conducted an enforcement hearing for alleged failure to timely file annual

Personal Financial Affairs Statements (F-1 reports), due no later than April 15 each year by elected and appointed officials.

Tabatha Blacksmith, Compliance Coordinator, presented [PDC Case 80222, Jeff Jernigan](#).

- Jeff Jernigan is an incumbent Fire Commissioner for West Thurston Regional Fire Authority. PDC staff is alleging that the respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) due no later than April 15, 2020, disclosing financial information for calendar year 2019 and failure to file a Personal Financial Affairs Statement (F-1 report) due no later than April 15, 2019, disclosing financial information for calendar year 2018.

MOTION 21-016 Moved by Commissioner Isserlis and seconded by Commissioner Downing that:

The Commission impose a civil penalty of \$3,000 with \$3,000 suspended contingent on all required reports filed, prior penalties paid with proof of payment within 120 days of the date of the Order, and no further violations of RCW 42.17A for four (4) years.

The motion passed 4 - 0.

Tabatha Blacksmith, Compliance Coordinator, presented [PDC Case 80189, Daniel Williams](#).

- Daniel P. Williams is a former Parks & Recreation Commissioner for East County Park & Rec District. PDC staff is alleging that the respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) due no later than April 15, 2020, disclosing financial information for calendar year 2019 and failure to file a Personal Financial Affairs Statement (F-1 report) due no later than April 15, 2019, disclosing financial information for calendar year 2018.

MOTION 21-017 Moved by Commissioner Downing and seconded by Commissioner Isserlis that:

The Commission find the respondent in violation of RCW 42.17A and impose a civil penalty of \$1,000 due within 30 days of the date of the Order. All previous penalty obligations remain outstanding.

The motion passed 4 - 0.

Tabitha Townsend, Compliance Coordinator, presented [PDC Case 80176, William "Beau" Burkett](#).

- William "Beau" Burkett is an incumbent City Councilmember for City of Buckley. PDC staff is alleging that the respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) due no later than April 15, 2020, disclosing financial information for calendar year 2019 and failure to file a Personal Financial Affairs Statement (F-1 report) due no later than April 15, 2019, disclosing financial information for calendar year 2018.

MOTION 21-018 Moved by Commissioner Isserlis and seconded by Commissioner Lehman that:

The Commission find the respondent in violation of RCW 42.17A and impose a civil penalty of \$1,000 due within 30 days of the date of the Order. All previous penalty obligations remain outstanding.

The motion passed 4 - 0.

Tabitha Townsend, Compliance Coordinator, presented [PDC Case 80252, Ronnie Little](#).

- Ronnie Little is an incumbent Fire Commissioner for King County Fire Protection District #40. PDC staff is alleging that the respondent violated RCW 42.17A.700 by failing to file a Personal Financial Affairs Statement (F-1 report) due no later than April 15, 2020, disclosing financial information for calendar year 2019.

MOTION 21-019 Moved by Commissioner Isserlis and seconded by Commissioner Lehman that:

The Commission find the respondent in violation of RCW 42.17A and impose a civil penalty of \$1,500 due within 30 days of the date of the Order. All previous penalty obligations remain outstanding.

The motion passed 4 - 0.

Meeting adjourned at 2:23 p.m.

Approved March 25, 2021.