

21 July 2025

**RE:** Joe A. Kunzler Public Comment for PDC hearing on rulemaking to update enforcement penalties and procedures

Dear PDC;

Joe A. Kunzler here. Understand you're having a special hearing on "rulemaking to update enforcement penalties and procedures". Well I am happy that a draft rule will be out by December 2025, after the 2025 election season and before the 2026 one picks up.

That said, a few issues leap out to me:

- a) *Why* are you recommending a new enforcement procedure in "WAC 390-37-040" that, "(f) Identification of any complaint filed by the complainant against the same respondent within the previous 12 months from the date of the complaint"?
- b) I'm smiling reading the new penalty schedule for, "Use of public facilities for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition." Keep as proposed, please.
- c) I wish the 3<sup>rd</sup> occasion penalties topped out at \$15,000 not \$3,000. Should be high enough to risk prosecution and certainly force a change in behavior at that point. *But* I appreciate the new rulemaking giving clear indication that the PDC presiding officer, "May direct a matter to the full commission if the officer believes... the penalty limit would be an insufficient penalty or the matter warrants consideration by the full commission." That needs to be clear in the final, published penalty schedules to really stress to offenders/respondents that compliance is best.

These are my comments about the rulemaking update. General comments will follow for Thursday. I would like to testify orally but have to hope I can make a phone connection across the WA-BC border at hearing time.

Many thanks;

A handwritten signature in dark ink, appearing to read "Joe A. Kunzler". The signature is fluid and cursive, with the first name "Joe" being the most prominent.

Joe A. Kunzler  
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