

State of Washington
PUBLIC DISCLOSURE COMMISSION
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MINUTES – Special Meeting

9:30 a.m. | May 21, 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; Jana Greer, Administrative Officer; Jennifer Hansen, Compliance Officer; Fox Blackhorn-Delph, Compliance Coordinator 2; Tabitha Townsend, Compliance Coordinator; Tabatha Blacksmith, Compliance Coordinator; John Meader, Assistant Attorney General representing the Commission; and Chad Standifer, Assistant Attorney General representing PDC staff.

The special meeting of the Public Disclosure Commission (PDC) was called to order by Commission Chair David Ammons at 9:39 a.m.

[PDC Meeting Video](#)

COVID 19 update: The May 21, 2020 Public Disclosure Commission special meeting was streamed live at <https://www.youtube.com/user/WASTPDC/live>.

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

Opening Remarks | [PDC Meeting Video](#)

Chair Ammons noted that the Chair and Executive Director reports would be presented at the upcoming Regular Commission Meeting May 28, 2020.

Executive Director Lavalley commented on the current COVID-19 related practices in the agency and the precautionary measures being taken to begin to design and implement a staggered re-opening of the PDC. Staff continues assess the situation daily; there is no date identified for re-opening at this time.

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

At 9:49 a.m. the Commission conducted a hearing of requests for reporting modifications. Fox Blackhorn-Delph, Compliance Coordinator 2; Tabitha Townsend, Compliance Coordinator; Tabatha Blacksmith, Compliance Coordinator; and Jennifer Hansen, Compliance Officer, presented the requests to the Commission for consideration and possible approval.

The following individuals requested a renewed modification (4 of 8 applicants participated by phone, via Microsoft Teams):

New

[Jaqueline McGourty](#) – School Board Director, Northshore School District 417, [WAC 390-28-100\(1\)\(b\)](#).
Participated by phone via Microsoft Teams.

MOTION 20-026 Moved by Commissioner Downing and seconded by Commissioner Jarrett that:

The Commission grant the request for partial reporting modification for the term of the incumbent, ending 12/31/2021, on the basis that literal application of the law would cause a manifestly unreasonable hardship on the applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 5 - 0.

[Michael Vaska](#) – Attorney General, Candidate [WAC 390-28-100\(1\)\(e\)\(i\)](#)
Participated by phone via Microsoft Teams.

Commissioners Ammons, Downing and Jarrett noted they each are acquainted with Mr. Vaska and that this would not impede their ability to consider the matter impartially.

MOTION 20-027 Moved by Commissioner Isserlis and seconded by Commissioner Jarrett that:

The Commission grant the request for partial reporting modification for the Statement of Financial Affairs covering March 15, 2019 through March 14, 2020, until the applicant's next required reporting period, on the basis that literal application of the law would cause a manifestly unreasonable hardship on the applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 4 - 1.

Chair Ammons, Commissioner Jarrett, Commissioner Downing, and Commissioner Isserlis voted yes.

Vice Chair Lehman voted no.

[Robbi Kesler](#) – Professional staff, House of Representatives, [WAC 390-28-100\(1\)\(e\)\(iv\)](#)
Participated by phone via Microsoft Teams.

MOTION 20-028 Moved by Commissioner Lehman and seconded by Commissioner Downing that:

The Commission grant the request for partial reporting modification for three years, covering the term of 2019 through 2021, on the basis that literal application of the law would cause a manifestly unreasonable hardship on the applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 5 - 0.

[Veronica Jarvis](#) – Professional staff, Office of Financial Management, [WAC 390-28-100\(1\)\(d\)](#).
Participated by phone via Microsoft Teams.

MOTION 20-029 Moved by Commissioner Jarrett and seconded by Commissioner Downing that:

The Commission deny the partial reporting modification as requested, on the basis that the requestor has not met their burden of proof under [RCW 42.17A.120](#), that: The deviation would not cause a manifestly unreasonable hardship on the applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 4 - 1.

Vice Chair Lehman, Commissioner Jarrett, Commissioner Isserlis, and Commissioner Downing voted yes.

Chair Ammons voted no.

[Bruce Jones](#) – City Council Member, City of Clyde Hill, [WAC 390-28-100\(1\)\(b\)](#).

MOTION 20-030 Moved by Commissioner Jarrett and seconded by Commissioner Downing that:

The Commission grant the request for partial reporting modification for the term of the incumbent, ending 12/31/2023, on the basis that literal application of the law would cause a manifestly unreasonable hardship on the applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 4 - 1.

Chair Ammons, Commissioner Jarrett, Commissioner Isserlis, and Commissioner Downing voted yes.

Vice Chair Lehman voted no.

[Roger Millar](#) – Agency Director, Department of Transportation, [WAC 390-28-100\(1\)\(b\)](#)

MOTION 20-031 Moved by Vice Chair Lehman and seconded by Commissioner Jarrett that:

The Commission grant the request for partial reporting modification for three years, covering the reporting period 2019 through 2021, on the basis that literal application of the law would cause a manifestly unreasonable hardship

on the applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 5 - 0.

[Hilary Madsen](#) – Superior Court Judge Candidate, King County, [WAC 390-28-100\(1\)\(d\)](#)

MOTION 20-032 Moved by Vice Chair Lehman and seconded by Commissioner Isserlis 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 Failed 2-3.

Chair Ammons, Commissioner Downing and Commissioner Jarrett voted no.

Vice Chair Lehman and Commissioner Isserlis voted yes.

MOTION 20-033 Moved by Commissioner Jarrett and seconded by Commissioner Downing that:

The Commission grant the request for partial reporting modification until the next required reporting period to the extent the required information is provided for general location of property, on the basis that literal application of the law would cause a manifestly unreasonable hardship for the applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 3 - 2.

Chair Ammons, Commissioner Downing and Commissioner Jarrett voted yes.

Vice Chair Lehman and Commissioner Isserlis voted no.

[Carolina Sun-Widrow](#) – Commissioner/Member, Pollution Control Hearings Board & Shorelines Hearings Board, [WAC 390-28-100\(1\)\(b\)](#) & [WAC 390-28-100\(1\)\(e\)\(iv\)](#).

MOTION 20-034 Moved by Commissioner Downing and seconded by Commissioner Jarrett that:

The Commission grant the request for partial reporting modification until the next required reporting period, 6/30/2024, on the basis that literal application of the law would cause a manifestly unreasonable hardship for the applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 4 - 1.

Chair Ammons, Commissioner Isserlis, Commissioner Jarrett, and Commissioner Downing vote yes.

Vice Chair Lehman voted no.

[The initial motion was revisited at a later point in the meeting.](#)

[Carolina Sun-Widrow](#) – Commissioner/Member, Pollution Control Hearings Board & Shorelines Hearings Board, [WAC 390-28-100\(1\)\(b\)](#) & [WAC 390-28-100\(1\)\(e\)\(iv\)](#).

MOTION 20-035 Moved by Commissioner Downing and seconded by Chair Ammons that:

The Commission grant the request for partial reporting modification for three years, covering the reporting period of 2019 through 2021, on the basis that literal application of the law would cause a manifestly unreasonable hardship for this applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 5 - 0.

Renewal

[Ada Healey](#) – Member, State Investment Board, [WAC 390-28-100\(1\)\(b\)](#)

[Mary Pugh](#) – Member, State Investment Board, [WAC 390-28-100\(1\)\(b\)](#)

MOTION 20-036 Moved by Commissioner Lehman and seconded by Commissioner Downing that:

The Commission grant the requests for partial reporting modification for three years, for the reporting period covering 2019 through 2021, on the basis that literal application of the law would cause a manifestly unreasonable hardship for these applicants and that the limited modifications requested would not frustrate the purposes of the Act.

The motion passed 4 - 0.

Chair Ammons, Vice Chair Lehman, Commissioner Jarrett and Commissioner Downing voted yes.

Commissioner Isserlis was absent for the vote.

[Jay Manning](#) – Regent/Trustee, Eastern Washington University, [WAC 390-28-100\(1\)\(e\)\(i\)](#)

Chair Ammons and Commissioner Jarrett noted they are acquainted with Mr. Manning but said it would not impede their ability to consider the matter impartially. Vice Chair Lehman also is acquainted with Mr. Manning and recused himself from this matter.

MOTION 20-037 Moved by Commissioner Downing and seconded by Commissioner Jarrett that:

The Commission grant the request for partial reporting modification for the term of the incumbent through September 2021 on the basis that literal application of the law would cause a manifestly unreasonable hardship on the applicant and that the limited modification requested would not frustrate the purposes of the Act.

The motion passed 4 - 0.

Vice Chair Lehman recused himself.

Next Steps/Follow Up:

- Administrative Officer Jana Greer to revise example reporting-modification-motion language and send to General Counsel Sean Flynn for review.
- The Commission to further discuss candidate modification application process at the May 28th regular meeting.

Rulemaking Discussion | PDC Meeting Video

Sean Flynn, General Counsel, reviewed a draft of [Proposed Emergency Rules regarding SSB 6152](#). Comments submitted by stakeholders were distributed to the Commissioners for review and consideration.

Meeting adjourned at 12:56 p.m.

Approved May 28, 2020.

Summary of Next Steps/Follow Up:

- Administrative Officer, Jana Greer to revise example reporting modification motion language and send to General Counsel, Sean Flynn.
- The Commission to further discuss candidate modification application process and the May 28th regular meeting.