

State of Washington
PUBLIC DISCLOSURE COMMISSION
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MINUTES – Regular Meeting

9:30 a.m. | January 26, 2017
Evergreen Plaza Building, Room 206
711 Capitol Way
Olympia, Washington

Commission Members Present

Anne Levinson, Chair; John Bridges, Vice Chair; Jack Johnson, Member; Katrina Asay, Member

Staff Present

Evelyn Fielding Lopez, Executive Director; Penny Allen, Assistant Attorney General; Chad Standifer, Assistant Attorney General; Jennifer Hansen, Filer Assistance Specialist; Phil Stutzman, Compliance Officer; Kurt Young, Compliance Officer; James Gutholm, Chief Information Officer; Jana Greer, Executive Assistant

The regular meeting of the Public Disclosure Commission was called to order by Commission Chair Anne Levinson at 9:30 a.m.

Public Comment

No public comment was made.

Meeting Minutes | [PDC Mtg Video](#)

December 8, 2016 regular meeting

Motion 17-01 Moved by Commissioner Asay, seconded by Commissioner Johnson that:

The Commission approve the meeting minutes with the minor clerical edits as discussed.

The motion passed.

Next Steps/Follow Up: Staff will make the minor clerical edits as discussed.

Reporting Modification | *Jay J. Manning*, Trustee, Eastern Washington University | [PDC Mtg Video](#)

At the December 8, 2016, regular Commission meeting Jennifer Hansen presented Jay Manning's request for a reporting modification. The Commission deferred the matter to allow PDC staff an opportunity to verify that Mr. Manning had listed all his clients as is required by the rule to receive a reporting modification.

Jennifer Hansen provided the Commission with copies of an email submitted by Glenn Morgan stating additional objections he had to his original request.

Jay Manning participated in person.

Glenn Morgan provided comment.

Ms. Hansen summarized the request and stated that Mr. Manning is a partner of Cascadia Law Group, PLLC, an environmental law firm with offices in Seattle and Olympia in which he has more than 10% ownership but is not involved in the day to day operations.

A modification would exempt him from listing the business customers that made payments of \$12,000 or more to the law firm of Cascadia Law Group, PLLC, during 2015. Mr. Manning also requested a retroactive reporting modification that would exempt listing the business customers that made payments of \$12,000 or more to the law firm of Cascadia Law Group, PLLC, during the entire 12-month period prior to his appointment, November 2014 to November 2015.

Ms. Hansen confirmed that Mr. Manning had indeed listed all his clients according to the rule, and he did not have any connection to Jay Z Knight's affiliates or companies.

Staff recommended approval of the request for a reporting modification.

Motion 17-02 Moved by Commissioner Bridges, seconded by Commissioner Asay that:

The Commission grant the partial reporting modification as requested, finding that literal application 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.

Commissioner Levinson asked staff to draft language which could be added as a reference in the F1 application process regarding recusal.

Next Steps/Follow Up: Staff will draft language to add to the F1 application addressing recusal and bring it back to the Commission.

Legislative Report | Evelyn Fielding Lopez | [PDC Mtg Video](#)

Director Lopez reported on the PDC agency request legislation.

Director Lopez has been urged by several legislators to get bills filed now so that they can be scheduled for the committee hearing and move through the process. This requires signatures from sponsors, and this has been a challenge.

- HB 1834 Timing Provision – Regarding timing provisions of campaign contribution reports. Representative Dolan sponsored this bill and is enthusiastic about the provisions of the bill. Representative Jinkins also signed off on this bill.

The purpose of the bill is to get filers on a schedule that is more consistent with other PDC filings.

- HB 1833 F-1 Changes – This bill has substantive changes to the information collected and would raise the value amounts of assets reported.

The changes also allow for sheriffs, prosecutors, and judges to only provide the city and county of their home address.

Senator Hunt signed in the secondary spot for the Senate, Director Lopez will continue to seek sponsorship.

Director Lopez was informed by the Chair of the Senate State Government Committee that he is not inclined to have this bill come before his committee due to his concerns regarding the address confidentiality.

- HB1835 Inflationary Adjustments – This bill freezes the normal inflationary increases for cash contribution that a campaign can receive to remain at \$100 and the \$1,000 threshold for reporting independent expenditures for advertising, keeping this amount at \$1,000.

Director Lopez noted that this bill has a secondary signature from Representative Jinkins and a secondary signature from Senator Hunt. She will continue to pursue primary signatures.

Senator Miloscia suggested that the bill might be improved if it had a provision for an automatic increase at such point in time when inflation would raise it to the next logical level.

Director Lopez stated that this is a good idea but had concerns about PDC staff tracking this.

Director Lopez has had some suggestion from legislators about other bills that would help with PDC processes and as they come in she will send them to Chair Levinson for suggestions.

Next Steps/Follow Up: Staff will continue to send a weekly legislative update.

Enforcement and Report to Commission | *Marc Boldt, PDC Case 1195* | [PDC Mtg Video](#)

Marc Boldt participated via telephone.

Kurt Young presented a proposed Stipulation as to Facts, Violations and Penalty from both parties to the Commission for consideration.

Mr. Young summarized PDC staff allegations and findings regarding PDC Case 1195, Marc Boldt, a candidate seeking election as Chair of the Clark County Council in 2015, and stated that based on the Stipulation of Facts set forth, Respondent Marc Boldt agreed that he violated:

RCW 42.17A.235 and 42.17A.240 by failing to: (1) timely file Monetary Contributions reports (C-3 reports), and Summary Campaign Contribution and Expenditure reports (C-4 reports) disclosing contribution and expenditure activities undertaken by the campaign, and (2) maintain campaign records for expenditures that were disclosed on C-4 reports.

RCW 42.17A.220 by failing to timely deposit monetary contributions within five business days of receipt into the campaign bank account.

RCW 42.17A.445 by failing to properly document or to maintain documentation verifying the payment made to Mr. Boldt for lost wages as a result of campaigning.

RCW 42.17A.710 by failing to disclose income received on the Personal Financial Affairs Statement (F-1 report) filed for all of calendar year 2015.

Based upon the Stipulation of Facts set forth, Respondent Marc Boldt agreed to pay a total civil penalty of \$2,500 of which \$1,500 is suspended on the following conditions:

Mr. Boldt pays the \$1,000 non-suspended portion of the penalty within 60 days of receiving this Order, and commits no further violations of RCW 42.17A or WAC 390 for four years from the date of the Order.

In the event Mr. Boldt fails to meet any of the terms of the suspended penalty, the suspended portion of the penalty (\$1,500) shall become due without any further intervention of the Commission.

Mr. Young summarized a secondary complaint that was filed prior to him completing the investigation alleging that Mr. Boldt received a \$5,000 loan repayment from his 2012 campaign for County Commissioner but that he failed to disclose the initial loan.

The complaint alleged that on August 29, 2012, the 2012 Marc Boldt filed a C-4 report disclosing that a \$5,000 loan repayment was made to Mr. Boldt, but that the Campaign failed to file a C-3 report and Schedule L disclosing the initial \$5,000 as a candidate loan.

PDC staff reviewed the C-3 and C-4 reports filed by the 2012 Marc Boldt Campaign and could not find a C-3 report had ever been filed disclosing a \$5,000 candidate loan from Mr. Boldt. Staff did find that a \$5,000 loan was disclosed as received from Mr. Boldt on the 7-day Pre-Primary Election C-4 report on July 19, 2012.

Staff recommended that the Commission dismiss the allegation against Mr. Boldt concerning the loan, since the bank statements confirmed that no \$5,000 deposit or payment was made on the dates reported, either as a loan, contribution or expenditure.

Motion 17-03 Moved by Commissioner Bridges, seconded by Commissioner Asay that:

The Commission accept the Stipulation of Facts, Violations and Penalty as proposed.

Discussion: Commissioner Johnson noted that this is a judgement call, it strikes him as light on the penalty side.

Commissioner Bridges agrees with Commissioner Johnson and noted that this investigation has lasted over a year and Mr. Boldt will get the message this time with the way the stipulation is drafted, if he fails to meet any of the terms of the suspended penalty then he will owe the entire amount.

Commissioner Levinson concurred with Commissioner Johnson and proposed a suggested modification to the Stipulation to require that for any future campaign Mr. Boldt runs, that he shall not act as his own treasurer, he must use an experienced treasurer, and that the penalty must be paid within 30-days, rather than 60 days, or the matter will automatically be referred to collections.

Mr. Boldt agreed to the modification.

The Motion was withdrawn by Commissioner Bridges. The Second was withdrawn by Commissioner Asay.

Motion 17-04 Moved by Commissioner Bridges, seconded by Commissioner Asay that:

The Commission accept the modified Stipulation of Facts, Violations and Penalty as proposed.

The motion passed.

Next Steps/Follow Up: Staff will send final order to Mr. Boldt.

Request for Interpretation | *Seattle Ethics and Elections Commission* | [PDC Mtg Video](#)

Discussion: Seattle Democracy Vouchers

Background:

In November 2015, Seattle voters approved I-222, which, among other things, adopted a Democracy Voucher Program to be administered by the Seattle Ethics and Elections Commission (SEEC). Under the Democracy Voucher Program, eligible Seattle residents will receive four \$25 campaign contribution vouchers, and residents may give one or more voucher to any eligible candidate. Candidates who qualify to participate in the program will be able to

convert each \$25.00 voucher into a \$25.00 campaign contribution and may use the money to finance selected campaign activities.

A Seattle resident wishing to contribute a voucher to a candidate has three options to assign his or her voucher. The resident may deliver the complete voucher to: (1) the candidate; (2) the SEEC; or (3) to a candidate's registered representative. A resident, or the candidate's representative, may deliver the voucher by mail, in person, or electronically by a secure SEEC online portal.

SEEC Request for Guidance:

The SEEC asked the Public Disclosure Commission (PDC) to consider:

- Whether Democracy Vouchers are contributions, and subject to the rules applicable to contributions?
- Whether the "bundling" provisions of RCW 42.17A apply to the bundling of Democracy Vouchers?

PDC staff concluded that a Democracy Voucher is a campaign contribution, based on the definition of "contribution" in RCW 42.17A.005(13)¹ because it qualifies as "*anything of value*" and as such is subject to the provisions of Washington's campaign finance law in the same way that any other contribution is subject to the campaign finance law.

Bundling is the process by which campaign contributions are collected from donors and are delivered to a campaign in bulk. In accordance with RCW 42.17A.470(1)², only "individuals" may bundle contributions and deliver them to a candidate. Organizations, businesses or other entities are prohibited from bundling campaign contributions. As contributions, Democracy Vouchers may be bundled by individuals but not by organizations, businesses or other entities. In addition, an individual who bundles vouchers must disclose to the voucher recipient his or her full name, street address, occupation, name of employer, if any, or place of business if self-employed, and the same information for each individual contributor. RCW 42.17A.470(2). This means that when Democracy Vouchers are delivered by an intermediary to a candidate or to the SEEC, the intermediary is required to provide employer and occupation information.

PDC staff summarized the issues as follows:

- Individuals may bundle Democracy Vouchers, but organizations may not;
- Individuals may bundle Democracy Vouchers under RCW 42.17A.470 even if not registered with the SEEC as a candidate's representative;
- When an individual is paid by, or volunteers for, an organization, he or she may only bundle Democracy Vouchers if acting in his or her own capacity as an individual, and not as a representative of an organization.

Draft PDC Interpretation and Commissioner Comments:

¹ RCW 42.17A.005(13)(a) states, in part, "Contribution" includes: (i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

² RCW 42.17A.470 states, (1) A person, other than an individual, may not be an intermediary or an agent for a contribution. (2) An individual may not make a contribution on behalf of another person or entity, or while acting as the intermediary or agent of another person or entity, without disclosing to the recipient of the contribution both his or her full name, street address, occupation, name of employer, if any, or place of business if self-employed, and the same information for each contributor for whom the individual serves as intermediary or agent.

Staff provided the Commission, and those present at the meeting, a copy of a draft Commission Interpretation.

Commissioner Johnson noted that if the Commission concludes that a Democracy Voucher is a contribution, then all the rules that apply to contributions also apply to Democracy Vouchers. He suggested that the interpretation could end after the purpose, effective date, and a statement that the Seattle Democracy Voucher Program is subject to RCW 42.17A.470 and that a Seattle Democracy Voucher is a campaign contribution and as such is subject to RCW 42.17A.

Commissioner Bridges cautioned against trying to anticipate every possible scenario and developing a complex set of guidelines in the interpretation.

Chair Levinson suggested that even though the requirements are the same, because most people are not familiar with the requirements of the bundling law, it might be helpful to include some basic information about reporting, limitations, and bundling, whether checks or vouchers. She also asked staff to add a sentence stating that all rules that apply to contributions also apply to Democracy Vouchers.

PDC staff also cautioned that pursuant to RCW 42.17A.565 (Soliciting Contributions from Public Employees), state and local elected officials may not knowingly request, directly or indirectly, public employees in the official's agency to assign their voucher to a candidate or to bundle, collect, or otherwise act as an intermediary or agent for public employees in the official's agency. In addition, RCW 42.17A.555 (Use of Public Office or Agency) prohibits elected and appointed officials as well as public employees from using or authorizing the use of any facilities of a public office or agency, directly or indirectly, to assist a candidate in soliciting, obtaining or requesting the assignment of a voucher.

The Commission reached a consensus that PDC staff should refine the draft Interpretation based on the comments heard at the meeting, and post the revised interpretation on the PDC website, soliciting feedback from the public. The Commission suggested that staff bring the matter back for further discussion and possible action at the Special February 8, 2017 meeting or at the regular February 23, 2017 meeting. [PDC Draft Interpretation on I-222 Vouchers](#).

SEEC Questions and PDC Staff Answers:

1. May a "candidate's representative," as that term is used in SMC 2.04.620(d), collect and transmit vouchers to a candidate without violating RCW 42.17A.470?

A candidate's representative is a person who is registered with the SEEC for the purpose of receiving vouchers on behalf of the candidate. SMC 2.04.620(d). Assuming that a candidate's representative is an individual and not an organization, RCW 42.17A.470 would allow a candidate's representative to collect and transmit vouchers.

2. May a "candidate's representative," as that term is used in SMC 2.04.620(d), collect and transmit vouchers directly to the Commission without violating RCW 42.17A.470?

Assuming that a candidate's representative is an individual and not an organization, RCW 42.17A.470 would allow a candidate's representative, as the candidate's agent, to collect and transmit vouchers to the SEEC.

3. Would State law permit an organization to be designated a “candidate’s representative”?

While state law would not prohibit an organization from being designated as a candidate’s representative, RCW 42.17A.470 would prohibit it from acting as an intermediary or an agent for the purposes of accepting, receiving or collecting Democracy Vouchers.

4. If a candidate’s representative is either paid or volunteering for an organization at the time they collect a voucher, does that have any implications under RCW 42.17A.470?

A candidate’s representative must be acting in his or her own capacity as an individual and not as a representative of an organization.

5. May an individual who is **not** registered as a candidate’s representative collect and transmit vouchers **to a candidate** without violating RCW 42.17A.470?

Under RCW 42.17A, an individual may act as an intermediary even though he or she is not registered with the SEEC.

6. May an individual who is **not** registered as a candidate’s representative collect and transmit vouchers directly **to the Commission** without violating RCW 42.17A.470?

Under RCW 42.17A.470, an individual may act as an intermediary even though he or she is not registered with the SEEC. The individual would be bound by RCW 42.17A.470 whether he or she delivered the vouchers directly to the candidate or to the SEEC for the benefit of the candidate.

7. May an organization – organized as either a non-profit or a for-profit – collect and transmit vouchers **to a candidate** without violating RCW 42.17A.470?

A Democracy Voucher is a contribution, and RCW 42.17A.470 prohibits a person, other than an individual, from acting as an intermediary or an agent for a contribution.

8. May an organization – organized as either a non-profit or a for-profit – provide voucher-holders with a means to transmit their vouchers **to a candidate** (for example, a postage-paid envelope clearly identifying the organization) without violating RCW 42.17A.470?

A Democracy Voucher is a contribution, and RCW 42.17A.470 prohibits a **person**³, other than an individual, from acting as an intermediary or an agent for a contribution. Providing a means for transmitting vouchers is the equivalent of acting as an intermediary, which is prohibited for organizations.

9. May an organization – organized as either a non-profit or a for-profit – collect and transmit vouchers directly **to the Commission** without violating RCW 42.17A.470?

³ RCW 42.17A.005 (35) states that "Person" **includes an individual**, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, **or any other organization or group of persons, however organized.**

A Democracy Voucher is a contribution, and RCW 42.17A.470 prohibits a person, other than an individual, from acting as an intermediary or an agent for a contribution. Transmitting vouchers directly to the Commission on behalf of a candidate, is the equivalent of acting as an intermediary, which is prohibited for organizations.

Next Steps/Follow Up: PDC staff will place the draft Interpretation up on the PDC website and seek input from the public.

Request for Consideration | *Seattle Ethics and Elections Commission* | [PDC Mtg Video](#)

Jennifer Hansen presented staff's response to SEEC's request for consideration to accept the Seattle F-1 financial form in place of the PDC F-1 form for individuals in the city of Seattle who are now required to file this form.

Ms. Hansen noted that PDC staff had compared the two forms. She provided a background noting that in 2015, Seattle Initiative 122 passed, amending SMC 2.05.165. This Initiative brought Democracy Vouchers to Seattle, but also affected the City's Statements of Financial Interests (SEEC form F-1 and F-1 Supplement) for elected officials. The new form is required beginning in 2016 for the period covering January 1, 2015 to December 31, 2015.

The SEEC has required its elected officials and candidates to file a financial affairs statement prior to 2015, however the form used by the SEEC was very similar to the PDC version. In the past, the SEEC adopted similar dollar codes and reporting thresholds for consistency between the two entities. Staff's review of the new SEEC F-1 and F-1 Supplement has identified many changes that are not consistent with the PDC's current F-1 form.

The Commission is being asked to consider whether Seattle filers could file the SEEC form with the PDC in lieu of the required PDC F-1.

Ms. Hansen asked the Commission that if they do have interest in pursuing this matter further that they give direction to staff and the staff would bring back additional information at a future meeting.

Wayne Barnett addressed the Commission.

Mr. Barnett stated that there is currently more required information on the Seattle F-1 form as a result of the I-222 than there is required in the State's F-1 form. There would be no information that is reported on the PDC form that is not reported on the SEEC form.

He is not certain how many of the SEEC filers would want to take advantage of being able to file the SEEC form with the PDC because it does require a higher level of detail. He believes that some would for that reason prefer to continue using the State's F-1 for the required PDC filing.

Mr. Barnett noted that it is anticipated that once the two-year window where no changes to the law established by an initiative can be amended has elapsed, the SEEC will seek to bring the thresholds for filing in line with what has occurred in the last two years with inflation adjustments.

Commissioner Johnson noted that the F-1 requirements are set forth in rule, which is based on statute. In order to make this happen the rule would need to be amended and any changes would still need to be consistent with the statute.

Director Lopez noted that the reason for staff bringing this to the Commission was to determine the threshold of interest for the Commission. If the Commission is interested, then this would need to be placed onto the agency rule-making list.

Based on the staff's analysis of the many differences now between the filing requirements, and the Commission's concern about the lack of staff capacity at this time to do rule-making, along with the SEEC's likely amendment of their form in two years as well as the fact the SEEC Director didn't anticipate filers would find it beneficial to use the SEEC form to meet their PDC filing requirement, the Commission did not ask that any more work be done on this.

Rule Making Agenda | Evelyn Fielding Lopez | [PDC Mtg Video](#)

Director Lopez stated that every January and June under state law, agencies have to send out a general statement to the Washington State Code Reviser that notes what the agency is contemplating it might do for rule-making over the next six months. The last statement from January was, "Staff is preparing to file with the code reviser the Commission's January through July 2017 rules development agenda."

At this time staff has no new rule-making to recommend, except a placeholder for rules that may be required by the 2017 legislation. If during the January meeting the Commission decides to convert any guidance to rule that would then be included on the agenda. Any projects that are underway that will be finished in the six-month period would also be included in the agenda. She reviewed the list of items that the Commission has asked the staff to track for priorities for possible legislation or possible rule-making.

Some items that are on the list for consideration:

- Inspection of campaign books, need for additional guidance for campaigns on the requirements to reasonably agree to appointments for inspection of books, location of materials, and reasonable time frames for appointments.
- Update the interpretation regarding use of public funds for litigation to determine if proposed ballot measures fall within the local initiative powers of a city or county. This was the one that came out of the City of Olympia tax measure.
- Related to the Port of Tacoma case, rule-making or guidance on reporting for independent expenditures in support or opposition to a ballot measure when the expenditure is legal expenses for a challenge to a proposed ballot measure.
- Initiative petitions and political advertising. A review of the rules regarding the use of photos, images from campaign websites, copying and using photo of candidates, and whether there are additional contents from websites that could be copied without creating any kind of contribution.
- Clarify what actions trigger registration as a political committee especially with regard to local ballot measures. Update past guidance to school districts and other local government special districts of what is allowed under RCW 42.17A.555 with regard to polling, providing information, and other community activity related to local ballot measures.
- Require more detailed reporting on independent expenditures to facilitate statistical analysis and other data-gathering.
- Designate surplus fund transfers on C3 contribution reports so it's clearer that the money is a transfer rather than a contribution.

These were not included in the agency's rule-makings done in 2016.

Director Lopez requested on behalf of the staff that if there isn't anything that is a really pressing issue, we would not do rule-making during the next six-month period so that we can hire people and be set up to then do rule-making through the June through December period.

She will capture items/suggestions from past meetings and add them to the list for consideration.

Director Lopez will submit to the Code Reviser that the PDC will does not anticipate any rule-making at this time, unless there is rule-making required due to a legislative change.

Next Steps/Follow Up: PDC staff will update a rule-making, interpretations and legislative proposals chart that was developed in 2015 to allow the Commission and staff to track and prioritize to make sure there is timely implementation as staff capacity allows.

Executive Session The Commission went into executive session at 12:00 p.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 review of performance of public employees.

The Commission returned to the public session at 12:30 p.m.

Staff Report Executive Director | Evelyn Fielding Lopez | [PDC Mtg Video](#)

Director Lopez updated the Commission on the agency vacancies. She noted that three staff left in November for other State positions, bringing the total to five open positions out of 20. She announced that Jacob Berkey is going to be relocating to be closer to his family the end of next week, which leaves the Compliance Coordinator position vacant.

Two temporary employees have been hired, Jayce on front desk, and Bishop who is being trained by Jacob to do intake, fresh desk and getting complaints set up and sent out. Both Jayce and Bishop are doing a really great job, which will allow staff to continue to push along and keep business flowing until the positions are filled.

Director Lopez provided an update on the recruitment for an Assistant Director position. She noted that it has been advertised and a really strong showing of people are interested. She has reviewed the applications and has made a first cut. She will work with Jana to move forward with the next steps of the hiring process.

Director Lopez reported on the agency budget. The PDC has paid the Attorney General's Office costs, but she noted that it will continue to have a shadow over our budget through June 2017 simply because the legal costs were so much more than had initially been budgeted for.

The agency put in a proposal several months ago for the Evans School. The Evans School at the UW traditionally calls out to public agencies and non-profits saying "Do you have any projects that might be appropriate for our students?" Director Lopez submitted a project and it has been accepted. Two graduate students will be working with PDC, Director Lopez met with them on Friday up at UW and they were very enthusiastic.

The project is to do a survey of what other states are doing for campaign finance and what are trends in campaign finance laws across the country. They're going to focus on what the Brennan Center is doing, look at the FEC, look at California's updated campaign finance laws, pull that together both to provide us with a summary of all that information, also to make some recommendations as to what might be things that the state of Washington might like to look at over the next few years. That should be a really tremendous resource for us as we move forward over the next couple years looking at whether to propose any legislative changes.

Director Lopez also discussed a request for a Declaratory Order that was received about a week ago. She had an opportunity to communicate back and forth with Conner Edwards who had made the request for the Declaratory Order, and after discussing sort of the process that we would need to go through to do a Declaratory Order under the Administrative Procedure

Act, he agreed that actually his request might be more appropriate for a Commission interpretation at this time.

Mr. Edwards request notes that there are some areas of lack of clarity or even conflict between some of the campaign manuals that we've had available long term and what the actual statutes and rules may require. One that has come to staff's attention is what level of detail campaigns are supposed to report to the PDC when they're doing a media buy. One of the manuals says that they should also report the run dates for the advertisements.

Director Lopez stated that there are a number of areas where staff would like the Commission to do some thinking about possible interpretations. Staff would like to bring at least one every other month to start getting those off the list because they are areas where the public really wants some additional clarity. The Commission had asked in 2016 that possible interpretations be included in the workplan, along with possible rules and legislation, so that they can be included in the work plan prioritization.

Staff Report Chief Information Officer | James Gutholm | [PDC Mtg Video](#)

James Gutholm updated the Commission on the process of the open data project. He noted that staff received a lot of feedback from the stakeholders, as well as doing some initial research about going out and looking at other open data portals to see how things were done to get a good understanding.

Mr. Gutholm demonstrated the portal and noted that he wanted to make sure the metadata were in the portal associated with the data element so that they're tightly tied together. Staff have automated the PDC website, and every 15 minutes it's getting pulled down from this portal, and published on our website. He noted that phase two of the large project is specific search, which is going to be then defining some particular queries.

Process Discussion | Evelyn Fielding Lopez | [PDC Mtg Video](#)

Director Lopez discussed the process for 45-days citizen action complaints, an option the public have under RCW 42.17A to bring an issue to the attention of the Attorney General's Office if the citizen believes there are campaign finance violations that have not been addressed. The Commission has discussed some of the problems inherent in this statute on several occasions.

The citizen brings the issue to the Attorney General's notice or to the prosecuting attorney. Then the Attorney General has 45 days to take an action to commence a legal action. If the Attorney General fails to commence an action, then the citizen can commence an action. If the citizen decides to commence an action he or she must give 10 days' notice to the Attorney General, and then after those 10 days the citizen can file in Superior Court.

If the citizen files in Superior Court and is successful, then under the statute the State will have to pay the citizen's attorney's fees. If the citizen files and is not successful, then the citizen may be required to pay the other party's attorney's fees.

The PDC has regular complaints that come in throughout the year as well as these citizen action complaints that come into the Attorney General's Office. The process that was developed over the course of the last year was that the Attorney General's Office, upon receiving a complaint would usually send it to the PDC for review, for the PDC to make a recommendation back to the Attorney General as to whether or not the Attorney General should commence an action.

Director Lopez discussed and suggested how to manage those 45-day citizen complaints that have more of the technical violations, such as whether someone has reported the occupation and employer of a contributor, or whether someone has provided sufficient detail on their expenditure report.

She proposed that the more traditional 45-day letter complaints continue to be processed the way they have been processed. Staff will do a review, and may or not talk to witnesses, depending on the issues presented and the time frames. Staff will provide a report to the Commission at either a special meeting, or the next scheduled Commission meeting. The Commission would then have an opportunity to review, and make a recommendation to the Attorney General, as to whether or not to commence a legal action.

For the other types of complaints, a more generally technical concern, staff are not sure exactly how to proceed. The Commission had authorized some alternative responses to enforcement concerns earlier last year, that allow the Executive Director to work with staff and both negotiate resolutions on some matters, and issue warning letters. Staff's practice has tended to be, receive a complaint, open it, send it to the person being complained about, and ask them for a response within seven days. Then staff meet every week, and go through what the issues are, and what else should be looked at.

Staff is not sure how then to work in the 45-day aspect to it. The 45-day complaint is a complaint to the Attorney General. The Attorney General's office is also trying to figure out how to manage when they get a volume of more technical complaints.

Director Lopez would like to find a way to bring the issue to the Commission and then staff would provide that feedback to the Attorney General's Office. The Commission could decide on a recommendation to the Attorney General.

Commissioner Levinson expressed concern about use of this avenue to short-circuit the complaint investigation prioritization process.

Commissioner Johnson stated that part of the issue on these is because of the way the statute is written.

Commissioner Asay stated that it's particularly confusing, because the way the statute is written it's not clear what process you're supposed to use.

Conner Edwards addressed the Commission.

Compliance and Enforcement Discussion| Evelyn Fielding Lopez | [PDC Mtg Video](#)

Director Lopez updated the Commission on the progress of complaints and enforcement cases.

Staff have received a sudden volume influx and are making good progress on these.

Director Lopez reviewed the calendar for the next couple of months of the anticipated case workload.

The meeting adjourned at 2:00 p.m.