



State of Washington  
PUBLIC DISCLOSURE COMMISSION

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9:30 a.m.

April 25, 2013

MINUTES-REGULAR MEETING

Evergreen Plaza Bldg. Room 206  
711 Capitol Way South  
Olympia, Washington

COMMISSION MEMBERS PRESENT

Amit Ranade, Chair

COMMISSION MEMBERS

PARTICIPATING VIA TELEPHONE

Barry Sehlin, Vice Chair  
Kathy Turner, Member  
Grant Degginger, Member

STAFF PRESENT

Andrea McNamara Doyle, Executive Director  
Nancy Krier, General Counsel  
Lori Anderson, Communications & Training Officer  
Phil Stutzman, Director of Compliance  
Jennifer Hansen, Filer Assistance Specialist  
Michael Smith, Chief Information Technology Officer  
Linda Dalton, Sr. Assistant Attorney General  
Jana Greer, Confidential Secretary

The regular meeting of the Public Disclosure Commission was called to order by Commission Chair Amit Ranade at 9:31 a.m. in the Evergreen Plaza Building, Room 206 Olympia, Washington.

Opening Comments

Chair Ranade called the meeting to order.

Citizens Comments/Concerns

No comments or concerns expressed.

Commissioner Comments/Concerns

Commissioner Sehlin shared that he spoke at a local meeting of the League of Women Voters, in conjunction with the local library, concerning the Public Disclosure Commission.

He stated that the organizers were pleased at the turnout for the event; the meeting went on longer than expected, producing good comments, questions, and interest from those attending.

Commissioner Sehlin thanked PDC staff members for assisting him in preparing the information he used for the meeting.

Commissioner Turner noted that this is a great idea and she is pleased to see groups such as these are stepping-up and having meetings to discuss these topics. She hopes all communities will follow this lead.

Minutes

**Motion 13-020**

Moved by Commissioner Turner, seconded by Commissioner Sehlin that:

**The Commission adopt the minutes of March 28, 2013 regular meeting, and the minutes of April 11, 2013 special meeting.**

The motion passed.

Commissioner Degginger joined the meeting via telephone at 9:45 a.m.

Interpretations

Evolving technology and campaigns (continued)

- 95-05 Fundraising through 900 telephone numbers
- 00-02 Guidelines for internet contributions
- Developments in text message contributions; role of aggregators

Nancy Krier recapped past discussions regarding evolving technology and campaigns with respect to campaign contributions via text message and the Commission's consideration of updating Interpretations 95-05 and 00-02. Those interpretations currently do not specifically address campaign contributions via other mechanisms such as mobile contributions.

Ms. Krier introduced guest speaker, Alan Sege, Executive Vice President and General Counsel of payvia, a mobile payment aggregator company. Mr. Sege participated via telephone conference.

Mr. Sege described how payvia has become the world's largest mobile connection payment aggregator.

He described the process of campaign contributions made via text messages, responsibilities, and the role payvia plays as an aggregator; and he answered questions from the Commission.

Rules Hearing

Public hearing to consider possible adoption of:

- Amended WAC 390-12-170 Public Disclosure Commission – Organization and structure – Officers - Terms
- Amended WAC 390-19-030 Electronic filing – Reporting threshold
- Amended WAC 390-24-160 Definition – Professional staff member

Lori Anderson presented to the Commission for consideration and possible adoption amended WAC 390-12-170 Public Disclosure Commission – Organization and structure – Officers – Terms, amended WAC 390-19-030 Electronic filing – Reporting threshold, and amended WAC 390-24-160 Definition – Professional staff member.

No written comments from stakeholders or the public were received, and no public testimony was offered. Staff recommended the Commission adopt proposed amendments to WAC 390-12-170, 390-19-030, and 390-24-160.

**Motion 13-021**

Moved by Commissioner Turner, seconded by Commissioner Degginger that:

**The Commission adopt amendments to rule WAC 390-12-170, WAC 390-19-030, and WAC 390-24-160 as proposed.**

The motion passed.

Reporting Modifications

New

- *Brett Buckley*, Judge, Thurston County District Court

Jennifer Hansen presented Judge Brett Buckley's request for reporting modification.

She stated that Judge Buckley is asking to be exempt from listing his address for two separate properties, in accordance with Interpretation 02-04. He is also asking for a retroactive modification, which would include removing this information on filed reports dating back to 2006 when he was initially appointed.

Judge Buckley is requesting a modification due to an assault by an unknown person that occurred in September 2012. The assailant arrived at Judge Buckley's residence and assaulted him. Ms. Hansen noted that the assailant has not yet been identified or arrested.

Staff recommended approval of Judge Buckley's request for a reporting modification.

**Motion 13-022**

Moved by Commissioner Sehlin, seconded by Commissioner Degginger 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 unanimously.

Ms. Hansen presented to the Commission, for consent, Grant Degginger's request for a reporting modification renewal with no change.

Staff recommended approval of the request.

Renewals – No Change

- *Grant Degginger*, Member, Public Disclosure Commission

**Motion 13-023**

Moved by Commissioner Sehlin, seconded by Commissioner Turner 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**

Renewals – No Change (Continued)

- *David Johnston*, School Director, Snohomish School Board
- *Glenn Phillips*, Judge, Kent Municipal Court
- *Claire Sussman*, Judge, Pierce County District Court
- *Robert Whaley*, Trustee, Eastern Washington University
- *Lucinda Whaley*, Commissioner, Washington State Parks and Recreation Committee
- *Palmer Robinson*, Superior Court Judge, King County
- *Bruce Dammeier*, Washington State Senator, 25<sup>th</sup> Legislative District
- *Charles Quentin Powers*, Trustee, Edmonds Community College
- *Orin C. Smith*, Regent, University of Washington
- *Rebecca Stillings*, School Board Director, Rainier School District
- *Marc Daudon*, Executive Board Member, Energy NW
- *Matthew W. Williams*, District Court Judge, King County SE Division
- *Francios Forgette*, Regent, Washington State University

**Motion 13-024**

E-Audit Update

**purposes of the act.**

Commissioner Degginger abstained from voting. The motion passed unanimously.

Ms. Hansen presented to the Commission, for consent, 13 additional requests for reporting modification renewals with no change. Staff recommended approval of the requests.

Moved by Commissioner Sehlin, seconded by Commissioner Degginger that:

**The Commission grant the partial reporting modifications as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicants and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

Andrea McNamara Doyle updated the Commission on the progress and status of the agency E-audits.

She noted that staff has recently focused on the lobbyist L2 and lobbyist employer L3 filings.

Staff have identified up to 65 lobbyists with monthly

L2 reports missing for January, February, and/or both months. Warning letters have been sent out and staff will continue to work with the lobbyists to ensure they get this information up to date.

A small level of group enforcement is anticipated for those that do not bring the reports up to date.

According to PDC records, 1,370 lobbyists employers should have filed their annual L3 reports for 2012. Warning letters have been sent to 249 lobbyists that have yet to file.

The next E-audit scheduled is for the annual F1 report due April 15. Reminder notices have been mailed to filers and staff continues to send out reminders to those that have yet to file. Official warning letters will be sent shortly to those who have not filed.

Ms. Doyle noted that staff has received comments and compliments from a media source regarding the ease of accessing to the lobbyist expenditure information due to the data the agency is able to make available online.

#### Legislative/Budget Update

Ms. Doyle reported on pending legislative matters of interest to the Commission, and noted that a special session is very likely to be needed to complete the State budget negotiations.

The PDC budget appears stable among all of the proposals from the House, the Senate, and the Governor's Office.

Ms. Doyle noted that Commissioner Turner's Gubernatorial appointment received final action from the Senate and her appointment was confirmed unanimously.

Commissioner Degginger's appointment is pending; it is on the Senate's confirmation calendar at this time.

She updated the Commission on the status of agency request bills:

**SB 5258** passed the Legislature and is now on its way to the Governor's Office. This bill would aggregate the cost of ballot measures for purposes of triggering the sponsor identification requirements.

Assuming that the Governor signs the bill, it would take effect 90-days after the session, July 28, 2013.

Ms. Doyle summarized other bills of interest that staff are following and discussed their status in the legislative process.

## Staff Reports

### Executive Director

Ms. Doyle attended the recent Legislative Ethics Board meeting where the topic of reimbursements to Legislators for their use of cell phone and data plans was discussed. The Board determined that it would not be issuing any specific guidelines. It will leave the role of providing advice on this topic to the House and Senate legislative advisers.

Ms. Doyle announced that Suemary Trobaugh, Administrative Officer for the PDC, has accepted a new position at DSHS. She will be leaving the PDC in mid-May. Ms. Doyle thanked Ms. Trobaugh for the 13 years of services she has given to the PDC.

Ms. Doyle reported on informal staff guidance provided on the topic of a medical assistance fund being formed for the benefit of a State legislator. The questions related to how PDC laws apply to solicitations from lobbyists and reporting of donations to the fund.

Ms. Doyle noted that she would be continuing a discussion with the Executive Director of the Seattle Ethics and Elections Commission (SEEC) on the topic of a possible ballot initiative in the city of Seattle related to public financing of their city council elections.

The SEEC was asked by the city to formulate a recommendation regarding this ballot measure, and consequently does not want to be involved in providing guidance or enforcement activity in connection with the measure. The PDC will remain in contact with the SEEC as to the respective roles that each will have in providing guidance and or enforcement.

Ms. Doyle referenced an article related to the recent decision by Congress not to post online the federal equivalent to the state's personal financial affairs statements (F1), based on the recommendations of two independent reviews. This will mean the practice at the federal level and state level will remain consistent in having the reports available upon request but not posted online.

Ms. Doyle noted that going forward; the PDC staff will be posting online just the cover sheet summarizing requests for reporting modifications rather than the entire application.

Commissioner Degginger asked that this matter be discussed further and until a final determination is made by the Commission that the current practice be continued where all application materials, including the F1, be posted online with the Commission meeting agenda.

General Counsel

Ms. Krier noted that she would be addressing the Washington State Association of Municipal Attorneys on the topic of restrictions on the use of public facilities to assist campaigns.

She will be extending an invitation for the association members and their clients to provide comments on the Commission's pending possible updates to the local government guidelines to address the use of agency calendars.

She will also provide the participants with information on the restrictions on public service announcements.

Chief Information Technology Officer

Michael Smith highlighted items from his written report, noting the progress toward complete virtualization of the PDC physical server.

The IT Staff is planning the upgrade of the virtual infrastructure to include expanded storage network.

He also provided an update on the electronic voters guide project in conjunction with the Secretary of State's office, where the PDC will be able to provide candidate-specific links to each candidate's PDC contribution and expenditure reports for publication in the Secretary of State's on-line voters guide.

Linda Dalton joined the meeting at 10:50 a.m.

Executive Session

The Commission went into executive session at 10:50 a.m. to discuss pending and potential litigation with legal counsel.

The Commission returned to public session at 11:10 a.m.

Adjournment

Chair Ranade adjourned the meeting at 11:11 a.m.

Approved

May 22, 2013