

**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

MINUTES – Special Meeting

Evergreen Plaza Building, Room 206
711 Capitol Way
Olympia, Washington

11:00 a.m.
August 8, 2016

COMMISSION MEMBERS PRESENT

(Participated via telephone)

Anne Levinson, Chair
John Bridges, Vice Chair
Jack Johnson, Member

STAFF PRESENT

Penny Allen, Assistant Attorney General
Phil Stutzman, Sr. Compliance Officer
Tony Perkins, Compliance Officer
Jana Greer, Executive Assistant
Chad Standifer, Assistant Attorney General **(participated via telephone)**

The special meeting of the Public Disclosure Commission was called to order by Commission Chair Anne Levinson at 11:00 a.m.

AUDIO 1

Enforcement I (45-Day Citizen Action Complaint filed by Arthur West)

Port of Tacoma Officials (John Wolfe, CEO) (Case 6626) involving an alleged violation of RCW 42.17A.555 by using public facilities to oppose Tacoma Citizen's Initiatives 5 and 6; and ***Port of Tacoma (Case 6626), Economic Development Board of Tacoma-Pierce County (Case 6627), and Tacoma-Pierce County Chamber (Case 6628)*** involving alleged violations of RCW 42.17A.205, .235, and .240 by failing to register and report individually, and as a group, as political committees, their legal expenditures to oppose Tacoma Citizen's Initiatives 5 and 6.

Commission Chair Levinson opened the public meeting and asked Commission members on the phone and staff, as well as public members present in the meeting room, to identify themselves for the record.

Members of the public present at the meeting were: Carolyn Lake, Attorney for the Port of Tacoma; Jason Wahlen, Economic Development Board for Tacoma and Pierce County; and Valarie Zeeck, Attorney for the Tacoma-Pierce County Chamber; Arthur West; and Elizabeth Halek.

The Chair stated that the parties previously requested that the PDC's Executive Director, Evelyn Fielding Lopez, recuse herself from this matter and that Director Lopez has not participated in the review or Staff recommendation of the matter and was not present at the meeting.

Phil Stutzman presented a summary of the Staff's findings, conclusions and recommendations regarding the allegations contained in PDC Cases 6626, 6627, and 6628 to the Commission for consideration.

Staff recommended:

For Port of Tacoma Officials (John Wolfe, CEO) the Commission find no apparent violation of RCW 42.17A.555, and recommend to the Attorney General to take no further action with respect to this allegation;

For the Port of Tacoma, the Economic Development Board for Tacoma-Pierce County, and the Tacoma-Pierce

County Chamber, the Commission find no apparent violation of RCW 42.17A.205, .235, and .240 by failing to register and report their respective expenditures for legal services to oppose Initiatives 5 and 6, individually, and as a group, as political committees, and recommend to the Attorney General to take no further action with respect to these allegations; and

For the Economic Development Board for Tacoma-Pierce County and the Tacoma-Pierce County Chamber, the Commission find an apparent violation of RCW 42.17A.255, and recommend to the Attorney General to take appropriate action concerning the apparent failure of the EDB and the Chamber to report expenditures totaling \$9,994 and approximately \$10,000, respectively, as independent expenditures opposing Initiatives 5 and 6.

Valarie Zeeck, Attorney representing Tacoma Pierce County Chamber and Jason Whalen, Attorney representing the Economic Development Board of Tacoma-Pierce County, addressed the Commission.

Arthur West, Complainant, addressed the Commission.

Executive Session

The Commission went into executive session at 11:32 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 review of performance of public employees.

The Commission returned to open session at 11:53 a.m.

AUDIO 2

Motion 16-41

Commissioner Johnson asked if Staff had any additional comments. Tony Perkins explained that Staff had reviewed the statute referenced by the Complainant in his remarks and that it was a prior version of the law no longer in effect.

Moved by Commissioner Johnson seconded by Commissioner Bridges that:

The Commission return these matters to the Attorney General with recommendation for no legal action.

The motion passed.

Commission Chair Levinson noted that the Commission heard the concerns raised by the Complainant and by the Respondents in this matter and had previously discussed as part of the Commission's review of possible rule-makings for 2016 and 2017 the need for a rule-making to provide clearer guidance to the regulated community and

to the public regarding what actions constitute political contributions that need to be reported for ballot measure propositions as they are being considered for placement on the ballot and each stage thereafter.

Next Steps/Follow up

A final order will be sent to the Respondents.

The staff will be reporting back to the Commission regarding the timing and approach for the rule-making.

The meeting adjourned at 11:58 a.m.

Adjourn

Approved August 25, 2016