

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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

MINUTES – Special Meeting

9:30 a.m. | November 2, 2016

Evergreen Plaza Building, Room 206

711 Capitol Way

Olympia, Washington

Commission Members Present (participated via telephone)

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; Kurt Young, Compliance Office; and 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 9:00 a.m.

Enforcement/Report to Commission | [PDC Mtg Audio](#)

Kurt Young reported to the Commission on PDC Case 8642, Jared Karstetter, a 45-Day Citizen Action Letter filed by Dmitri Iglitzin with the Washington State Attorney General's Office (AG) alleging that Jared Karstetter, former legal counsel for the King County Corrections Guild (Guild) had violated RCW 42.17A, through his practice of making contributions to campaigns, and receiving reimbursement for those contributions from the Guild.

Staff Recommendations:

1. Regarding concealment: Staff recommended that the Commission communicate to the Attorney General that within the limited investigative timeframe of the Citizen Action Letter, staff could not conclude that Jared Karstetter violated RCW 42.17A.435 by concealing contributions made by the King County Corrections Guild, and identifying himself as the source of the funds for the contribution.
2. Regarding earmarking: Staff recommended that the Commission communicate to the Attorney General that Jared Karstetter did not violate RCW 42.17.460 by earmarking contributions made by the King County Corrections Guild through him to candidates for public office.
3. Regarding intermediary or agent: Staff recommended that the Commission communicate to the Attorney General that Jared Karstetter violated RCW 42.17A.470 by being an intermediary or an agent of the Guild for making a contribution, since he made the contributions using his personal credit card and was later reimbursed by the Guild.
4. Regarding reimbursement: Staff recommended that the Commission communicate to the Attorney General that Jared Karstetter did not violate RCW 42.17A.485 with regard to reimbursement by the King County for contributions he initially made with his personal credit card.
5. Staff further recommended that the Commission communicate to the Attorney General that the King County Corrections Guild may have violated RCW 42.17A.485 when it reimbursed Mr. Karstetter for the contributions he made on behalf of the Guild using his personal credit

card; and that the King County Corrections Guild may have violated RCW 42.17A.405 by making over limit contributions to campaigns when it made both direct contributions and reimbursed Mr. Karstetter for the contributions he made on behalf of the Guild using his personal credit card.

PDC staff did not have sufficient time to determine if all the contributions that have been attributed to Mr. Karstetter by the recipient candidates came from the King County Correction Guild, or possibly another guild. In addition, staff did not have sufficient time to contact the candidates to verify information discovered during staff's review of this matter.

Staff recommended that the Commission have PDC staff continue to investigate this matter further and bring the issues concerning the King County Correction Guild before the Commission in a future enforcement matter since the 45-day citizen action letter did not give notice to the King County Corrections Guild; or the Commission may refer this matter to the Attorney General with recommendation to take action.

Mr. Young noted that in a conversation with Mr. Iglitzin concerning the King County Correction Guild, Mr. Iglitzin indicated that the Guild does not believe the matter should be referred to the AG and that his client will likely be agreeable to working with the Commission on a stipulated agreement.

Director Lopez clarified that regarding the concealment issue legal counsel has indicated that under more recent case law concealment does not require intent. This would modify Staff's recommendation on concealment. If there were in fact concealment and intent is not a requirement, then it may well be the AG would look at charging under the statute.

Chair Levinson asked Staff to draft an addendum to the report regarding this additional information before any transmittal goes to the AG.

Dmitri Iglitzin, counsel for the complainant and, Garrett Garfield, counsel for the respondent participated via telephone; each addressed the Commission.

Director Lopez stated that this matter is at the PDC at the request of the AG, she noted that it would be appropriate for the PDC to recommend to the AG that the if the AG wanted to turn the King County Corrections Guild matter over to the PDC, the PDC would then open an investigation.

Chair Levinson clarified that for the 45-day citizen action complaints the only option is for the Commission to refer the matter back to the AG with a recommendation, so referral back to the AG is not necessarily indicative of the level of violation or type of violation. Nor should the PDC retaining jurisdiction be read as a signal that a violation is more or less significant than one that is referred to the AG. It is simply a matter of jurisdictional authority.

Commissioner Johnson noted that the 45-day citizen action letter is not a normal enforcement process that the PDC would go through on its own, where it would make findings on every allegation. This matter is not in front of the Commission for a ruling, it is for the Commission to make a recommendation to the AG.

He suggested that because of that, the Commission need not make an itemized recommendation, but instead make a recommendation that covers all of the allegations.

Motion 16-61 : Moved by Commissioner Johnson, seconded by Commissioner Bridges that:

The Commission return the matter to the Attorney General with a recommendation the Attorney General take action on the allegations within the 45-day citizen action complaint.

The motion passed.

Motion 16-62 : Moved by Commissioner Bridges, seconded by Commissioner Johnson that:

The Commission retain jurisdiction in regard to possible violations by the King County Corrections Guild of RCW 42.17A.

The motion passed.

Next Steps: Staff will prepare addendum updating the analysis regarding the concealment allegation. Staff will research and come back to the Commission on whether there is a need to amend the statute or publish an interpretation regarding the reimbursement issue raised in Staff's analysis.

Public Comment | [PDC Mtg Audio](#) |

Mark Lamb addressed the Commission regarding a PDC matter which was not on the special meeting agenda.

At the request of his clients, Majority Leader of the State Senate, Senator Mark Schoesler, and Minority Leader of the State House of Representatives, Representative Dan Christiansen, that a staff member from the PDC professional staff be allowed to assume temporary duties of the Executive Director through the resolution of the Executive Ethics complaint filed by his clients.

He noted that this matter would be highly appropriate for the Commission to discuss in executive session.

Chair Levinson noted that this is not a matter on the agenda; therefore pursuant to the Open Public Meetings Act the Commission cannot take any action on it this during this meeting.

Commissioner Johnson stated that it is the Commission's job to ensure that the people we employ do their job appropriately, that does not mean however that every disputed call is a reason for removal. We have to take the views that we hear and look at all of the materials and apply the standard that we try to bring to all that we do; to be impartial and fair. The Commission will do the same in this matter.

Chair Levinson noted that this special meeting was called solely for the enforcement matter report and review of PDC case 8642 and not for any other purpose.

The meeting adjourned at 9:48 a.m.

Minutes approved December 8, 2016