

MODIFICATION REQUEST COVER SHEET

Name of Filer	TIMOTHY FITZGERALD
Reporting Period	<input checked="" type="checkbox"/> Annual report – calendar year 2019 <input type="checkbox"/> Candidate report
Type of Request	<input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal with No Change <input type="checkbox"/> Full Commission Approval <input type="checkbox"/> Renewal with Change
Office Held/ Sought & Term	County Clerk, Spokane County Current term expires in December, 2022
Application Rule(s)	<input type="checkbox"/> Income & Ownership Interest: WAC 390-28-100(1)(b) <input checked="" type="checkbox"/> Personal Residence: WAC 390-28-100(1)(d) <input type="checkbox"/> Attorney: WAC 390-28-100(1)(e)(i) <input type="checkbox"/> Judge / Judicial Candidate: WAC 390-28-100(1)(e)(ii) <input type="checkbox"/> Spousal: WAC 390-28-100(1)(e)(iv) <input type="checkbox"/> Other: WAC 390-28-100 (1)(e)
Explanation of Rule(s)	<p>Personal residence - Real property. Regarding reporting the information otherwise required by RCW 42.17A.710(1)(h) through (k):</p> <p>(i) Under WAC 390-24-200, the filer must list the street address of each parcel, the assessor's parcel number, the abbreviated legal description appearing on property tax statements, or the complete legal description. Each property description must be followed by the name of the county in which the property is located.</p> <p>(ii) No modification will be necessary if the filer describes the real property using one of the alternatives in WAC 390-24-200, plus the name of the county. Judges, prosecutors, or sheriffs may describe a personal residence in the alternative manner provided under RCW 42.17A.710(2), and WAC 390-24-200 without a modification.</p> <p>(iii) A modification will be required if the filer seeks some other means to describe reportable real property including the personal residence of the filer. The commission may consider and grant such a modification to amend the description of a residential address to the extent necessary to protect the applicant or an immediate family member who has received a threat, has obtained a no contact order, or has presented a similar personal safety concern.</p>

Supporting Documents (attached)	<input checked="" type="checkbox"/> Current F-1 (April 12, 2020) <input checked="" type="checkbox"/> Modification Request Application
Reason(s) for Modification (as stated by filer)	<ul style="list-style-type: none"> • Mr. Fitzgerald is requesting a reporting modification that would exempt him from disclosing his residential address. • Mr. Fitzgerald stated that County Clerks are the face of the courthouse’s administrative and financial actions. He indicated that the vast number of customers assisted by the Clerk’s office are responding to court orders, making court-ordered payments, paying to file documents or obtaining court documents. • Mr. Fitzgerald stated that unhappy customers routinely vent their frustration on Clerk staff because they are the ones handling the paperwork and interacting with customers, and these situations often escalate. He indicated that angry customers have directly threatened the Clerk on multiple occasions and courthouse security and law enforcement are often called to respond to threatening situations in the Clerk’s office area. • Mr. Fitzgerald indicated that the Clerk’s name is stamped on all legal documents and is known to customers. • Mr. Fitzgerald stated he has personally been threatened multiple times, both physically and verbally, when responding to an altercation at the customer service counter and can provide witnesses. • For the reasons stated above, Mr. Fitzgerald believes that Clerks should be afforded the same categorical exemption as sheriffs and judges set forth in RCW 42.17A.710(2)(a).
Other Issues	<p>Mr. Fitzgerald has agreed to recuse himself if a matter comes before him involving a conflict of interest between his personal interests and public duties. He does not believe his real estate holdings present an actual or potential conflict of interest because any actions taken by the Clerk are governed by statute or court order.</p> <p>Mr. Fitzgerald clarified that he is only asking to be exempted from disclosing his physical address. He stated he has disclosed his real estate holdings and their cost, which he believes to be the true intent of disclosure.</p>