



State of Washington
PUBLIC DISCLOSURE COMMISSION

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Memorandum

To: Public Disclosure Commission

From: Jennifer Hansen, Compliance Officer

Date: April 17, 2025

Subject: Request from Pooneh Gray, Reporting Modification

Partial Modification – Background & Request:

- On April 16, 2025, the Public Disclosure Commission (PDC) received a request from Pooneh Gray, submitted by her legal counsel, Dan Brady, for a partial reporting modification that would exempt her from disclosing detailed ownership, asset, income and other financial affairs information on the Personal Financial Affairs Statement (F-1 report) covering the previous twelve months.
- Ms. Gray is a candidate for Vancouver City Council in the 2025 election.
- As part of her application, Ms. Gray cites safety concerns for herself and her family due to a previous incident as the reason for her partial modification request.
- In her application, Ms. Gray states that the exemption she seeks is for: (1) the specific location of a second piece of reportable Washington real estate; (2) ownership interests in out-of-state businesses; (3) out-of-state employment income & out-of-state distributions; (4) financial institution account balances and investment accounts & balances.
- Ms. Gray's records would be exempt from public disclosure if the Commission finds in accordance with [RCW 42.17A.120](#) and [WAC 390-28-080](#) that disclosure of such information would present a personal risk to a reasonable person.

Applicable Laws & Rules:

RCW 42.17A.120

Suspension or modification of reporting requirements.

(1) The commission may suspend or modify any of the reporting requirements of this chapter if it finds that literal application of this chapter works a manifestly unreasonable hardship in a particular case and the suspension or modification will not frustrate the purposes of this chapter. The commission may suspend or modify reporting requirements only to the extent necessary to substantially relieve the hardship and only after a hearing is held and the suspension or modification receives approval. A suspension or modification of the financial affairs reporting requirements in RCW [42.17A.710](#) may be approved for an elected official's term of office or for up to three years for an executive state officer. If a material change in the applicant's circumstances or relevant information occurs or has occurred, the applicant must request a modification at least one month prior to the next filing deadline rather than at the conclusion of the term.

(2) A manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW [42.17A.710](#)(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report, or any member of the person's immediate family, holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more.

(3) Requests for reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW [34.05.482](#) through [34.05.494](#) and in accordance with the standards established in this section. The commission, the commission chair acting as presiding officer, or another commissioner appointed by the chair to serve as presiding officer, may preside over a brief adjudicatory proceeding. If a modification is requested by a filer because of a concern for personal safety, the information submitted regarding that safety concern shall not be made public prior to, or at, the hearing on the request. Any information provided or prepared for the modification hearing shall remain exempt from public disclosure under this chapter and chapter [42.56](#) RCW to the extent it is determined at the hearing that disclosure of such information would present a personal safety risk to a reasonable person.

(4) If the commission, or presiding officer, grants a modification request, the commission or presiding officer may apply the modification retroactively to previously filed reports. In that event, previously reported information of the kind that is no longer being reported is confidential and exempt from public disclosure under this chapter and chapter [42.56](#) RCW.

(5) Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order.

(6) The commission shall adopt rules governing the proceedings.

WAC 390-28-100

Reporting modifications—Possible qualifications—Standards—Statement of financial affairs.

(1) Under RCW [42.17A.120](#), the commission or presiding officer may modify reporting requirements, including the statement of financial affairs, if literal application of the requirement would work a manifestly unreasonable hardship and the suspension or modification would not frustrate the purpose of the law. One or more of the following may be considered by the commission or presiding officer as possible qualifications for a reporting modification with respect to the statement of financial affairs, when such standard is met:

(a) **Banks, savings accounts, insurance policies - Financial interests.** An applicant may be exempted from reporting any financial interest, otherwise required to be reported by RCW [42.17A.710](#) (1)(b) if:

(i) The financial institution or other entity in which the applicant held an interest does not engage in business in the state of Washington, or is not regulated in whole or in part by the office sought or held by the applicant;

(ii) Such reporting would present a manifestly unreasonable hardship to the applicant;
and

(iii) The interest would present no actual or potential conflict with the proper performance of the duties of the office sought or held.

(b) **Income and ownership interests.** An applicant may be exempted from reporting the information otherwise required by RCW [42.17A.710](#) (1)(f) and (g), if:

(i) The information does not relate to a business entity which would be subject to the regulatory authority of the office sought or held by the applicant in whole or in part;

(ii) Such reporting would present a manifestly unreasonable hardship to the applicant including, but not limited to:

(A) Violating a legally recognized confidential relationship that serves a legitimate business interest, and otherwise was not formed to prevent required disclosure, although such relationship may be subject to administrative subpoena or court order to require disclosure; or

(B) Adversely affecting the competitive position of an entity in which the applicant had an interest of ten percent or more as described in RCW [42.17A.120](#); and

(iii) The interest in question would present no actual or potential conflict with the performance of the duties of the office sought or held.

(c) **Immediate family members' interests.** An applicant may be exempted from reporting the information otherwise required by RCW [42.17A.710](#) for members of the applicant's immediate family, if:

(i) Such information relates to a financial interest held by such member under a bona fide separate property agreement, or other bona fide separate status; and, such financial interest is not a present or prospective source of income to the applicant or to any other person who is dependent upon the applicant for support in whole or in part; or

(ii) Reporting the name of an entity in which the immediate family holds an interest of ten percent or more would be likely to adversely affect the competitive position of the entity, under RCW [42.17A.120](#).

(d) **Personal residence - Real property.** Regarding reporting the information otherwise required by RCW [42.17A.710](#) (1)(h) through (k):

(i) 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.

(ii) 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.

(e) **Other.** An applicant may be exempted from reporting information otherwise required under RCW [42.17A.710](#) which would constitute a manifestly unreasonable hardship in a particular case, when the circumstances presented would not indicate any actual or potential conflict with the proper performance of the duties of the office sought or held. Examples of other common requests will be considered as follows:

(i) **Lawyers and law firms (when applicant is an incumbent or candidate and acts alone or as part of a governing body, board, or commission).** An applicant may be allowed to satisfy the reporting requirements of RCW [42.17A.710](#) (1)(g)(ii) and WAC [390-24-020](#) by disclosing reportable clients from whom compensation has been paid in excess of the reporting threshold as follows:

- (A) The names of the business clients for whom the applicant has done legal work;
- (B) Other clients of the law firm whose interests are significantly affected by the applicant's actions as an elected or appointed official or whose actions will be affected by the applicant's action should the applicant be elected whose identities become known to the applicant through any means;
- (C) The names of the clients of the law firm who are listed in Martindale Hubbell, the firm's resume, website, or similar promotional materials; and
- (D) Governmental clients that have done business with the law firm.

An applicant may also be required to disclose all business customers from whom compensation in excess of the reporting threshold has been received whose identities are publicized or referenced in documents open for public inspection at the courts, in administrative hearings, at proceedings conducted by public agencies, or are a matter of public knowledge in other similar public forums. Alternatively, the commission may require an applicant to report only those publicly identifiable customers of which the applicant is aware.

(ii) **Judges and former law firms.** An applicant may be allowed to satisfy the reporting requirements of RCW [42.17A.710](#) (1)(g)(ii) and WAC [390-24-020](#) by disclosing any required information of which the applicant is aware, provided the applicant certifies that the applicant is no longer able to access or has been denied access to the former law firm's client information.

The commission may apply (e)(i) of this subsection when the applicant is a nonincumbent judicial candidate who practiced law during the reporting period and who seeks a modification regarding reportable business clients of the law firm.

(iii) **Motor vehicle dealers.** An applicant may satisfy the reporting requirements of RCW [42.17A.710](#) (1)(g) and WAC [390-24-020](#) by disclosing:

- (A) All purchases and leases of vehicles, and purchases of parts and services from the dealership, by the agency or jurisdiction in which the applicant seeks or holds office;
- (B) Other business and governmental entities that purchased or leased ten or more vehicles from the dealership;
- (C) Business customers who paid in excess of twenty thousand dollars for the purchase of parts and/or service from the dealership; and
- (D) Any other governmental entity that paid the dealership in excess of the disclosure threshold established under RCW [42.17A.710](#) (1)(g)(ii) for the purchase of parts and/or service.

(iv) **Applicants whose spouse or registered domestic partner creates a reporting obligation for the applicant.** When an applicant is required to report the activities of an entity solely because the applicant's spouse or registered domestic partner held an office, directorship, general partnership or ownership interest in the entity and the applicant does not have direct knowledge of the information that must be reported, the applicant may be allowed to satisfy the disclosure requirements of RCW [42.17A.710](#) (1)(g)(ii) by disclosing reportable customers from whom compensation in excess of the disclosure threshold established under RCW [42.17A.710](#) (1)(g)(ii) has been received as follows:

- (A) All payments made by the agency or jurisdiction in which the applicant seeks or holds office to the entity;
- (B) The business and other governmental customers or clients of the applicant's spouse/domestic partner of which the applicant is aware; and
- (C) Any other business and other governmental customers or clients of the entity whose identities are known to the applicant and whose interests are significantly affected by the agency

or jurisdiction in which the applicant seeks or holds office. The commission may apply (e)(i) through (iii) of this subsection when the applicant's spouse/domestic partner is a lawyer, judge, or motor vehicle dealer.

(2) "Bona fide separate property agreement" means an agreement or court order describing separate property in a valid:

- (a) Prenuptial agreement;
- (b) Separate property contract under chapter [26.09](#) RCW;
- (c) Separate property court decree under chapter [26.09](#) RCW;
- (d) Domestic partnership agreement under chapter [26.60](#) RCW;
- (e) Domestic partnership agreement as part of a notice of termination under chapter [26.60](#) RCW; or
- (f) Postnuptial agreement.

(3) "Other bona fide separate status" means a valid written agreement or court decree recognizing the separate status of the parties under state law, including their individual property that is separate under state law.