



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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June 22, 2010

STEVE GANO
PO BOX 98066
LAKEWOOD WA 98498-0066

Subject: Complaint filed against Robert E. Lee - PDC Case No. 10-060

Dear Mr. Gano:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received on February 25, 2010, alleging that Robert E. Lee failed to register and report as a lobbyist during the 2010 legislative session. You alleged that Mr. Lee lobbied on behalf of two organizations, Care Medical and Rehabilitation Equipment (CMRE) and Pacific Association for Medical Equipment Services (PAMES), without properly registering as a lobbyist.

PDC staff reviewed the allegations in light of the following statutes:

RCW 42.17.150 states in part that before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe.

RCW 42.17.170 requires registered lobbyists and any person who lobbies to file with the commission periodic reports disclosing his or her lobbying activities. Those reports are due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

We reviewed the complaint, Mr. Lee's response to the complaint, and the lobbyist registrations and reports filed by Mr. Lee. As a result of our review, we found:

- On March 5, 2010, Mr. Lee filed two Lobbyist Registrations (PDC Form L-1), registering as a lobbyist for CMRE and PAMES.

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

RCW42.17.010 (10)



- The L-1 filed by Mr. Lee for CMRE disclosed that he is a Government Affairs & Health Policy analyst and a full-time employee of CMRE. He indicated his salary and noted that lobbying is only part of his duties. He estimated he would be spending approximately 10 percent of his time lobbying in the future, and indicated that he would be reimbursed for expenses.
- The L-1 filed by Mr. Lee for PAMES disclosed that he is an unsalaried officer or member of PAMES, that lobbying is only part of his duties with the association, that he will not be reimbursed for expenses, and that no monthly L-2 reports will be filed.
- On March 5, 2010, Mr. Lee filed three L-2 reports for lobbying activities undertaken in January, February and March of 2010. Each report disclosed compensation for lobbying of \$525 per month from CMRE. No additional lobbying expenses were reported for CMRE. L-2 reports were not filed for PAMES in accordance with Mr. Lee's statement on his L-1 that there would be no reportable expenses and L-2 reports would not be filed.
- The January L-2 report was due by February 15, 2010, and was filed 21 days late on March 5, 2010. The February and March L-2 reports were filed timely, by the 15th day of the month following the month covered by the report.
- Mr. Lee stated that CMRE did not pay him to lobby, and he was representing PAMES as an unpaid volunteer, but said he was not opposed to registering as a lobbyist for both CMRE and PAMES, and allocating a portion of his CMRE salary as compensation for lobbying. He said he based his decision not to register, in part, on a document he reviewed on the PDC website entitled "*Filing Requirements for Lobbyists - Are you Required to Register and Report?*" He said he and PAMES representatives reviewed that document and concluded that he was not required to register as a lobbyist.
- Mr. Lee said that during the 2010 Legislative Session he participated in a number of "*Lobby Day*" events with non-profit or charitable organizations, and when he met with legislators he was absolutely adamant that he was doing so as a representative of PAMES, and not on behalf of his employer, CMRE. He also said that when he was testifying he made it clear that he was representing PAMES.
- Mr. Lee acknowledged that he handed out his CMRE business cards as part of his contact with legislators, but said he did so because PAMES did not give him any business cards, and he needed to provide the recipient with contact information. Mr. Lee stated he felt that whenever he met with legislators or testified at committee hearings, the legislators understood that he was appearing on behalf of PAMES, and not on behalf of CMRE.

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Prior to registering as a lobbyist on March 5, 2010, Mr. Lee stated he believed he was lobbying as a volunteer, unpaid member of PAMES, and that he was not required to register. He had reviewed material from the PDC before concluding that he was not required to register. When notified by PDC staff of the complaint, Mr. Lee promptly contacted and met with staff, and agreed to register on behalf of his employer, CMRE, and on behalf of PAMES, the association on whose behalf he had been lobbying. For these reasons, no enforcement is warranted in this instance.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing the complaint filed by you against Robert E. Lee.

Thank you for bringing this matter to our attention. The process relies on citizens monitoring campaign activity to promote full compliance with the law. Your actions will contribute to better public disclosure of important campaign information.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828 or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,



Doug Ellis
Interim Executive Director

c: Robert E. Lee