



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](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

Seattle Public Schools  
Attn: Holly Ferguson  
PO Box 34165  
Seattle WA 98124-1165

In Re the Matter of	)	PDC Case No. 11-028
Seattle Public Schools	)	Findings of Fact,
	)	Conclusions of Law and
Respondent.	)	<b>Order Imposing Fine</b>
<hr/>		

A brief enforcement hearing (brief adjudicative proceeding) was held February 28, 2011, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Seattle Public Schools violated RCW 42.17.190 by failing to timely file reports of Lobbying by State and Local Government Agencies (PDC Form L-5), disclosing lobbying activities during the last two quarters of 2007, calendar years 2008 and 2009, and the first three quarters of 2010.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Dave Seabrook was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. Holly Ferguson, Director of Policy and Government Relations for Seattle Public Schools, appeared in person and presented testimony to the Presiding Officer.

A brief enforcement hearing notice was sent to Ms. Ferguson on February 17, 2011. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent retained the services of a contract lobbyist, and on January 29, 2007, Clifford R. Traisman filed a Lobbyist Registration (PDC Form L-1) disclosing that he would be lobbying on behalf of Seattle Public Schools, and would be paid \$1,000 per month to lobby during calendar years 2007 and 2008. Mr. Traisman also filed an L-1 on January 20, 2009, disclosing that the Respondent had retained his services as a contract lobbyist, and that he would be paid \$5,200 per month to lobby during calendar years 2009 and 2010.
2. Mr. Traisman timely filed Monthly Lobbyist Expense reports (PDC Form L-2) disclosing payments received from Seattle Public Schools to lobby during the last two quarters of 2007, and calendar years 2008 through 2010.

3. The Respondent filed 13 L-5 reports on November 15, 2010, disclosing school district lobbying activities undertaken during the last two quarters of 2007, calendar years 2008 and 2009, and the first three quarters of 2010 on a quarterly basis. The 13 L-5 reports were filed between 15 and 1,018 days late, and disclosed school district lobbying activities totaling \$59,468, including \$51,500 for contract lobbying services.
4. Five of the L-5 reports filed by the Respondent disclosed \$8,368 for previously unreported time spent lobbying by school district employees as detailed below.
5. The remaining eight L-5 reports disclosed contract lobbyist payments made to Mr. Traisman for the following reporting periods: the last two quarters of 2007, the last three quarters of 2008, and the last two quarters of 2009. No lobbying activities were undertaken by school district officials or employees during that time.

**L-5 reports disclosing Seattle Public Schools employee lobbying expenses**

6. The L-5 report for the first quarter of 2008 was filed by the Respondent on November 15, 2010, 929 days late, disclosing school district lobbying expenses totaling \$8,788, which included \$788 for time spent lobbying by two Seattle Public Schools employees. The L-5 report disclosed \$8,000 in contract lobbyist payments to Mr. Traisman, and was due to be filed by April 30, 2008.
7. The L-5 report for the first quarter of 2009 was filed by the Respondent on November 15, 2010, 564 days late, disclosing school district lobbying expenses totaling \$5,493, which included \$2,493 for time spent lobbying by three Seattle Public Schools employees. The L-5 report disclosed \$3,000 in contract lobbyist payments to Mr. Traisman, and was due to be filed by April 30, 2009.
8. The L-5 report for the second quarter of 2009 was filed by the Respondent on November 15, 2010, 472 days late, disclosing school district lobbying expenses totaling \$15,585, which included \$1,092 for time spent lobbying by two Seattle Public Schools employees. The L-5 report disclosed \$3,000 in payments to Mr. Traisman for services as a contract lobbyist, and was due to be filed by July 31, 2009.
9. The L-5 report for the first quarter of 2010 was filed by the Respondent on November 15, 2010, 199 days late, disclosing school district lobbying expenses totaling \$5,261, including \$2,261 for time spent lobbying by two Seattle Public Schools employees. The L-5 report disclosed \$3,000 in payments to Mr. Traisman for services as a contract lobbyist, and was due to be filed by April 30, 2010.
10. The L-5 report for the second quarter of 2010 was filed by the Respondent on November 15, 2010, 107 days late, disclosing school district lobbying expenses totaling \$9,534, including \$1,734 for time spent lobbying by two Seattle Public Schools employees. The L-5 report disclosed \$7,800 in payments to Mr. Traisman for services as a contract lobbyist, and was due to be filed by July 31, 2010.

11. Ms. Ferguson stated that the Respondent's failure to file the L-5 reports was inadvertent. She apologized on behalf of the district, stating that the district hired Mr. Traisman as a contract lobbyist, and he conducted the majority of the district's lobbying activities. She said after she received the complaint she spoke with a number of district employees and no one was aware of the L-5 reporting requirement.
12. Ms. Ferguson said the district's former Chief Operating Officer filed the last L-5 report in July of 2007 for the second quarter, and then resigned his position about a month after filing that report. Many of his duties were transferred to other school district employees, but not the filing of the L-5 reports. She stated that on occasion school district staff lobbied during the legislative session. She said the Respondent's failure to file the L-5 reports was not intentional and said that all future L-5 reports will be timely filed by the district.

#### CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17.190 by failing to timely file five L-5 reports disclosing lobbying expenditures for school district employee time spent lobbying during the first quarter of 2008, the first two quarters of 2009, and the first two quarters of 2010.

#### ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$250, of which \$125 is suspended on the condition that no violations of RCW 42.17 are committed for the next four years from the date of the order. The Respondent shall pay the \$125 non-suspended portion of the penalty within 30 days.**

**IT IS HEREBY ORDERED that the remaining allegations of late-filed L-5 reports are dismissed.**

This is an **Initial Order** of the Public Disclosure Commission. There are two ways the Respondent may appeal this order to the Commission. Once the order becomes a final order, it may also be appealed to Superior Court.

#### REVIEW OF INITIAL ORDER - COMMISSION

- a. The Respondent may request a review of this Initial Order by the entire Commission.
- b. The request may be made orally or in writing, and must be received at the Public Disclosure Commission office within **21 business days** after the postmark date of

- this Initial Order. The Respondent must state the reason for the review, and identify what alleged errors are contained in the initial order.
- c. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.
  - d. By law, a request for review of the initial order is deemed to have been denied if the Commission does not make a disposition of the matter within 20 business days after the request is submitted.
  - e. If the Commission is unable to schedule a meeting to consider the Respondent's request for review within 20 business days, the Initial Order becomes a Final Order and the matter will automatically be treated as a request for reconsideration of a final order unless the Respondent advises the Commission otherwise. The matter will be scheduled before the full Commission as soon as practicable.
  - f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 business days, the request must now be put in writing. (See Reconsideration of Final Order below.)
  - g. If no request for review is received within 21 business days, this order will automatically become a **Final Order** of the Commission, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 42.17.395, RCW 34.05.470 and RCW 34.05.570).

#### **RECONSIDERATION OF FINAL ORDER - COMMISSION**

- a. Any party may ask the Commission to reconsider a final order. The request must be in writing and must include the specific grounds or reasons for the request. Grounds for reconsideration shall be limited to:
  - i) A request for review was deemed denied in accordance with WAC 390-37-144(4);
  - ii) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or
  - iii) Significant typographical or ministerial errors in the order.
- b. The request must be delivered to the Public Disclosure Commission office within **21 business days** after the postmark date of this order.
- c. The Public Disclosure Commission is deemed to have denied the request for reconsideration if, within 20 business days from the date the request is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. (RCW 34.05.470).
- d. The Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court. (RCW 34.05.470).

**FURTHER APPEAL RIGHTS – SUPERIOR COURT**

- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this Final Order on the parties. (RCW 34.05.542(2)).
- c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

**ENFORCEMENT OF FINAL ORDERS**

- a. If there is no timely request for review or reconsideration, this Initial Order becomes a Final Order. The Respondent is legally obligated to pay any penalty assessed.
- b. The Commission may seek to enforce a final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

Entered this 8<sup>th</sup> day of March, 2011.

Public Disclosure Commission

  
Doug Ellis  
Interim Executive Director