



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 • Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Tami Herman
PO Box 1598
Long Beach, WA 98631

In Re Compliance with RCW 42.17A

Tami Herman

Respondent.

PDC Case No. 13-003

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

A brief enforcement hearing (brief adjudicative proceeding) was held May 22, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Tami Herman, who was a North Beach Water District (NBWD) employee at the time the alleged violations occurred, violated RCW 42.17A.555 by using the facilities of NBWD to assist the 2012 campaign of William Herman, Ms. Herman's spouse, for Pacific County Commissioner.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Tami Herman on May 10, 2013. Commission Chair Amit Ranade was the Presiding Officer. Phil Stutzman, Director of Compliance, represented the Commission staff. The Respondent participated by telephone and provided testimony to the Presiding Officer. The Respondent also submitted a copy of a portion of the NBWD employee handbook which was provided to PDC staff and the Presiding Officer.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent was employed by NBWD as a Billing Clerk, and then later as Office Manager during the relevant time period. William Neal is the General Manager of NBWD.
2. William "Bill" Herman, Jr., was a candidate for Pacific County Commissioner for the election held in 2012. Mr. Herman is the Respondent's spouse. The Respondent was Mr. Herman's campaign treasurer.
3. Between May 14 and June 1, 2012, the Respondent contacted PDC staff by telephone on at least three occasions and admitted using NBWD facilities to assist her husband's 2012 campaign for Pacific County Commissioner.

Findings, Conclusions & Order

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4. During an interview with PDC staff, the Respondent confirmed using NBWD facilities to assist her spouse's campaign. She admitted using NBWD facilities to print campaign flyers, campaign cards, enrollment forms for a campaign golf tournament, and other campaign-related documents. The Respondent acknowledged placing a campaign-related background on her NBWD computer, and using her computer on a few occasions to conduct internet searches that assisted her spouse's campaign.
5. During the investigation, Mr. Neal provided copies of several campaign-related documents that had been retrieved from the Respondent's NBWD computer. The documents were related to Mr. Herman's 2012 campaign for Pacific County Commissioner, and included campaign letterhead and postcards, contributor and potential contributor information, volunteer contact and assignment information, and fundraising invitations.
6. Ms. Herman testified that she believed she had Mr. Neal's permission to use the NBWD facilities for campaign purposes.
7. The NBWD employee handbook specifically prohibits using NBWD facilities for political causes.

CONCLUSIONS OF LAW

Based on the above facts the Presiding Officer concludes 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 42.17A.555 by using the facilities of the North Beach Water District to assist the 2012 campaign of William Herman for Pacific County Commissioner.
3. Whether or not the Respondent believed she had permission from her supervisor to use NBWD facilities for campaign purposes does not change the fact that the Respondent used the facilities to support her husband's campaign in violation of RCW 42.17A.555. Mr. Neal could not give the Respondent permission to violate the statutory prohibition against using public facilities to assist a campaign.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the penalty factors set forth in WAC 390-37-182,

IT IS HEREBY ORDERED that:

1. The Respondent is assessed a civil penalty of \$500. Of the total penalty amount, \$350 is suspended on the following conditions:

