



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

PETE HOLMES, CITY ATTORNEY
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KIM GARRETT
CITY OF SEATTLE
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In Re Compliance with RCW 42.17A

Pete Holmes and
Kim Garrett

Respondents.

PDC Case No. 13-021

Findings of Fact,
Conclusions of Law, and
Order

A brief enforcement hearing (brief adjudicative proceeding) was held January 18, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider administrative charges in this case. The administrative charges concerned allegations in a complaint¹ that Respondent Pete Holmes, Seattle City Attorney, violated RCW 42.17A.555 by authorizing the use of City of Seattle facilities for the promotion of Initiative 502, a statewide initiative on the November 6, 2012 general election ballot; and, that Respondent Kim Garrett, City of Seattle employee and Special Assistant to Mr. Holmes, violated RCW 42.17A.555 by using City of Seattle facilities for the promotion of Initiative 502. The hearing was also convened to determine whether the remaining allegations in the complaint should be dismissed.

A brief enforcement hearing notice concerning the administrative charges was sent to Respondents Holmes and Garrett on January 11, 2013. They agreed to waive the required 10-day notice for an enforcement hearing.

¹ The complaint was a 45-day letter citizen action complaint submitted by Arthur West and received by the Washington State Attorney General on October 24, 2012 and later by the King County Prosecuting Attorney. The complaint was forwarded to the Commission for investigation and possible action.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Tony Perkins, Lead Political Finance Specialist. The Respondents participated by telephone. The hearing was open to the public and recorded.

The Presiding Officer was provided with a Notice of Administrative Charges dated January 11, 2013; a Report of Investigation dated January 11, 2013 (and exhibits); an Executive Summary and PDC Staff Analysis; and, a proposed Stipulation as to Facts, Violations, and Penalty (Stipulation) dated January 16, 2013.

Mr. Perkins addressed the Presiding Officer. He summarized the investigation and described the PDC staff recommendation to take appropriate enforcement action against Respondents Holmes and Garrett by accepting the proposed Stipulation; to dismiss the allegations in the complaint concerning Kimberly Mills, John Schochet, and the City of Seattle regarding the use of city facilities for the promotion of Initiative 502; and, to recommend the Attorney General and the Prosecuting Attorney take no further action with respect to the allegations in the complaint.

The Respondents addressed the Presiding Officer, also requesting that the proposed Stipulation be accepted.

The Presiding Officer accepted the Stipulation. Having considered the evidence and presentations of the parties, the Presiding Officer finds and concludes as follows:

FINDINGS

1. The Jurisdiction, Facts, Violation and Penalty are as provided in the Stipulation, which is hereby attached and incorporated by reference.
2. The Stipulation appropriately provides that under the facts of this case and governing law, no monetary penalty should be imposed on either Respondent and the Commission should waive any monetary penalty as allowed by RCW 42.17A.755(5).
3. The remaining allegations in the complaint concerning other city employees (Kimberly Mills and John Schochet) and an entity (City of Seattle) have no basis in law or fact and therefore should be dismissed.
4. The Attorney General and Prosecutor should be provided a recommendation that they take no further action with respect to the allegations in the complaint.

CONCLUSIONS OF LAW

Based on the above findings, 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. As provided in the Stipulation, Respondent Holmes violated RCW 42.17A.555 by authorizing use of City of Seattle facilities in a manner that assisted the campaign in support of I-502. Respondent Garrett violated RCW 42.17A.555 by using City of Seattle facilities in a manner that assisted Mr. Holmes' work supporting I-502.
3. As provided in the Stipulation, RCW 42.17A.755(5) authorizes waiver a penalty for first-time violations.

ORDER

On the basis of the foregoing findings and conclusions:

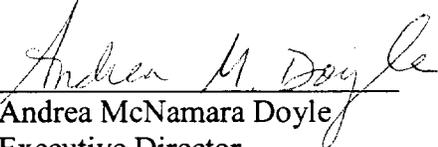
IT IS HEREBY ORDERED that:

1. **The Stipulation is accepted.**
2. **No monetary penalty is imposed. Any monetary penalty that might otherwise be imposed against Respondents Pete Holmes and Kim Garrett is waived.**
3. **The remaining allegations in the complaint concerning Kimberly Mills, John Schochet and the City of Seattle are dismissed.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 25th day of January, 2013.

Public Disclosure Commission


Andrea McNamara Doyle
Executive Director

Attachment: Stipulation dated January 16, 2013

Enclosure: Information about Appeal Rights