



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action
Against

Colleen Brandt-Schluter, City of SeaTac
Human Services Director

Respondent.

PDC Case No. 13-034

Notice of Administrative Charges
(Brief Enforcement Hearing)

I. JURISDICTION

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the state campaign finance and disclosure laws; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

II. ALLEGATIONS

2. PDC staff alleges that Colleen Brandt-Schluter, City of SeaTac Human Services Director, violated RCW 42.17.130 by using facilities of the City of SeaTac to oppose Proposition 1, a local City of SeaTac ballot measure on the November 3, 2009 general election ballot, and to assist the 2009 campaigns of candidates for SeaTac City Council.

III. FACTS

3. Colleen Brandt-Schluter is the Human Services Director for the City of SeaTac.
4. In 2009, three SeaTac City Council positions were up for election. Five candidates filed a Candidate Registration (C-1 report) for the three positions, as follows:
 - a. Jonathan Standridge and Rick Forschler for position #2;

- b. Tony Anderson for position #4; and
 - c. Barry Ladenburg and Pamela Fernald for position #6.
5. Proposition 1 was a proposal to change SeaTac's form of government from Council Manager to Strong Mayor (sometimes referred to as COG or Change of Government). It was on the November 3, 2009 general election ballot.
 6. In an email string on June 15 and June 16, 2009 between Mia Gregerson and Colleen Brandt-Schluter, both using their city email accounts, Ms. Gregerson stated: "*I have Dave and Jonathon meeting too. I am hopeful that rotary will put a forum together. Do u think it's too early to get a fire fighter endorsement? We want to beat rick to that one....*" Ms. Brandt-Schluter stated "*Go after the firefighter endorsement...can you do Barry, Tony and Jonathon...*" to which Ms. Gregerson responded "*...good idea. We will get all three endorsed at the same time...*"
 7. In an email string on July 7 and July 8, 2009 between Ms. Gregerson and Ms. Brandt-Schluter, both using their city email accounts, concerning putting together a steering committee for opposition to Proposition 1, Ms. Gregerson asked Ms. Brandt-Schluter if she had an individual's telephone number, and went on to state later in the email string "*Can you help me get the contact information for the leaders in the Somali community and the African American lady you mentioned earlier? I will be calling them about the COG issue.*" Ms. Brandt-Schluter replied that she would provide her with the contacts.
 8. In an email string on July 13 and July 14, 2009 between Mia Gregerson and Colleen Brandt-Schluter, both using their city email accounts, Ms. Brandt-Schluter provided Ms. Gregerson with two names of individuals and their contact information within the SeaTac immigrant community who could assist in fighting Proposition 1.
 9. In an email string on July 16, 2009 between Ms. Gregerson and Ms. Brandt-Schluter, both using their city email accounts, the two discussed reserving a room for a July 21, 2009 meeting to meet about opposing Proposition 1.

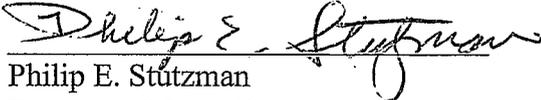
10. In an email string on July 29 through August 4, 2009 between Ms. Gregerson and Ms. Brandt-Schluter, both using their city email accounts, talking about the SeaTac "Night Out" event, the two discussed opposing Proposition 1 at the event. Among other comments, Ms. Gregerson stated, "*I have the flyers. I don't have the addresses and so I don't know who to ask to come because I don't know how many teams to set up. It's very frustrating because I can't tag my name to any of this. Pat is out of town and he did not set up a meeting like he promised me.*" Ms. Brandt-Schluter stated "...*I think Barry [Ladenburg-candidate for City Council] is riding with Chief G [Gallup].*"

IV. LAW

RCW 42.17.130 prohibited elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition. This prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency. Effective January 1, 2012, RCW 42.17.130 is now codified at RCW 42.17A.555.

WAC 390-05-273 states, in part: "Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner."

RESPECTFULLY SUBMITTED this 17th day of June, 2013.


Philip E. Stutzman
Director of Compliance