BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT ACTION AGAINST: Michael Miller (Spokane School District No. 81) Respondent	PDC CASE NO. 14-039 FINAL ORDER

This matter came before the Washington State Public Disclosure Commission (PDC) on February 27, 2014 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Amit Ranade, Commission Chair; Kathy Turner, Member; and Katrina Asay, Member. Also present were: Michael Gawley, attorney on behalf of the Respondent; Phil Stutzman, PDC Director of Compliance and Tony Perkins, PDC Lead Compliance Specialist on behalf of PDC Staff; PDC Executive Director Andrea McNamara Doyle; and Linda A. Dalton, Senior Assistant Attorney General for the Commission. PDC staff member Jana Grier was present as recorder/reporter of the proceedings. The proceedings were open to the public and recorded.

The Respondent held a staff position in Spokane School District No. 81 during the time relevant to the alleged violation. This matter resulted from an allegation that the Respondent violated RCW 42.17.130 by using or authorizing the use of Spokane School District No. 81 facilities for the purpose of assisting a candidate's 2011 campaign for school director, or for the promotion of ballot propositions in the March 10, 2009 and/or February 14, 2012 special elections, as detailed in the Stipulation.

PDC Staff submitted to the Commission a Report of Investigation (with exhibits) dated February 13, 2014 from Tony Perkins, PDC Lead Compliance Specialist.

Stipulation

The parties jointly submitted a proposed Stipulation as to Facts, Violations, and Penalty (Stipulation) signed by counsel on behalf of Respondent and by Ms. Doyle on behalf of the Commission. The Stipulation was provided to the Commission with a memo from Phil Stutzman and Tony Perkins dated February 20, 2014 and a summary of comparable cases.

The parties made oral presentations and jointly requested that the Commission accept the Stipulation. The Commission voted 3-0 to accept the Stipulation as proposed, which included assessing a penalty.

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the Stipulation, which is hereby attached and incorporated by reference, the Commission finds and concludes:

1. The Jurisdiction, Facts, Legal Authority, and Violations are established as provided in the Stipulation.
2. The Respondent violated RCW 42.17.130 as provided in the Stipulation.

   In addition, the Commission finds and concludes:
3. A civil penalty of $500 with $300 suspended on the conditions enumerated below, is an appropriate resolution of this matter.

II. ORDER

Based upon the findings and conclusions, the Commission orders that:

1. The Stipulation is accepted.
2. The Respondent is assessed a civil penalty of $500 for the stipulated violation. Of the total penalty amount, $300 is suspended based on Respondent's compliance with the following conditions:

a. Respondent is not found to have committed further violations of RCW 42.17A within four years from the date of the entry of the Commission's Final Order in this matter; and

b. Respondent pays the non-suspended portion of the penalty ($200) within 30 days of the date of entry of the Commission's Final Order in this matter.

3. In the event Respondent fails to meet either of the terms in paragraph 2, the suspended portion of the penalty ($300) shall become due without any further intervention of the Commission.

The Executive Director is authorized to enter this order on behalf of the Commission.

So ORDERED this 13 day of March, 2014.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION
FOR THE COMMISSION:

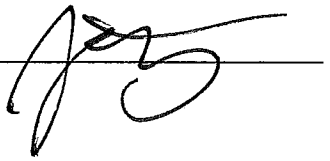
ANDREA MCNAMARA DOYLE
Executive Director

ATTACHMENTS
(1) Stipulation as to Facts, Violations, and Penalty
(2) Appeals and Enforcement of Final Orders

Copy of this Order to:

Michael Miller c/o Michael Gawley, Attorney at Law
mgawley@washingtonea.org

I, Jacob Berkey, certify that I mailed a copy of this order to the Respondent at the respective address above, by electronic mail, on the date stated herein.

Signature  **Date** 3/13/14