



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

May 13, 2016

Paul Schneider
4516 E. 39th Avenue
Spokane, Washington 99223

Order sent electronically to Mr. Schneider at "pschneid8297@gmail.com"

Subject: PDC Case No. 15-067

Dear Mr. Schneider:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

The Presiding Officer assessed a \$200 civil penalty against you, of which \$150 of the penalty was suspended on the following conditions: (1) You commit no further violations of RCW 42.17A for four years from the date of the Order; and (2) The \$50 non-suspended portion of the penalty is paid within 30 days from the date of the Order.

Please pay the \$50 non-suspended portion of the penalty by June 12, 2016, and make the check or money order payable to the "WA STATE TREASURER." Be sure to reference PDC Case No. 15-067 in the memo line of the check or money order, and mail the penalty to:

WA State Treasurer - Public Disclosure Commission
Financial Office
PO Box 41465
Olympia, WA 98504-1465

Thank you for your participation in the Brief Enforcement hearing. If you have any questions, please contact me at (360) 664-8854; or by email at kurt.young@pdc.wa.gov.

Sincerely,


Kurt Young
PDC Compliance Officer

Enclosures: Final Order in Case No. 15-067
Information about Appeals and Enforcement of Final Orders



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Paul Schneider
4516 E. 39th Avenue
Spokane, Washington 99223

In Re Compliance with RCW 42.17A

Paul Schneider

Respondent.

PDC Case 15-067

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

A brief enforcement hearing (brief adjudicative proceeding) was held by the Public Disclosure Commission (PDC) on May 11, 2016, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Paul Schneider, a teacher at University High School in the Central Valley School District, violated RCW 42.17A.555 by using school district facilities to assist his campaign for School Director in Spokane School District in 2015, when he recorded a video political advertisement in support of his candidacy in a shared employee school district office space.

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 Paul Schneider on April 27, 2016. Commission Chair Katrina Asay was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent participated by telephone and provided comments to the Presiding Officer.

Stipulation

The parties jointly submitted a signed Stipulation as to Facts and Violations (Stipulation). **Order Exhibit #1.** Mr. Young summarized the Stipulation and asked the Presiding Officer to accept the Stipulation and assess an appropriate penalty. The Presiding Officer accepted the Stipulation as to Facts and Violations.

Dismissal Memorandum to Presiding Officer

PDC staff submitted a Memorandum to the Presiding Officer requesting dismissal of two of the allegations made against Mr. Schneider concerning his alleged use of school district facilities to support his candidacy. **Order Exhibit #2.** Mr. Young summarized the Dismissal Memorandum and asked the Presiding Officer to dismiss the two allegations.

Mr. Young summarized the Stipulation and asked the Presiding Officer to accept the Stipulation and assess an appropriate penalty.

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

FINDINGS OF FACT

Based upon the Stipulation and the Dismissal Memorandum, which are attached and incorporated by reference, the Presiding Officer:

1. Finds that the facts are established as provided in the Stipulation.
2. Dismissed the two allegations as described in the Memorandum.

CONCLUSIONS OF LAW

Based upon the Stipulation and Dismissal Memorandum, the Presiding Officer concludes:

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 on one occasion when he when he recorded a video political advertisement in support of his candidacy, in a University High School shared employee office space.
3. The Respondent did not violate RCW 42.17A.555 for the two remaining allegations, when he posted on his campaign website and Facebook page, videos made by Ben Magruder and Kylee Dickinson, two students at University High School. The two videos were part of the normal and regular conduct for students who participated in Don Owen's Advanced Placement Government class.

ORDER

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

IT IS HEREBY ORDERED that the Respondent is assessed a \$200 civil penalty, of which \$150 is suspended on the following conditions:

1. **The Respondent commits no further violations of RCW 42.17A for four years from the date of the Order; and**
2. **The \$50 non-suspended portion of the penalty is paid within 30 days from the date of the Order.**

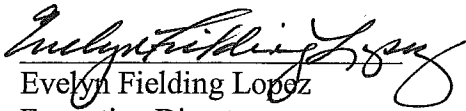
IT IS HEREBY ORDERED that the allegations concerning violations of RCW 42.17A.555 against the Respondent are dismissed.

If the Respondent fails to comply with any of these conditions, the suspended portion of the penalty will become immediately due and payable without further action by the Commission.

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

Entered this 13th day of May, 2016.

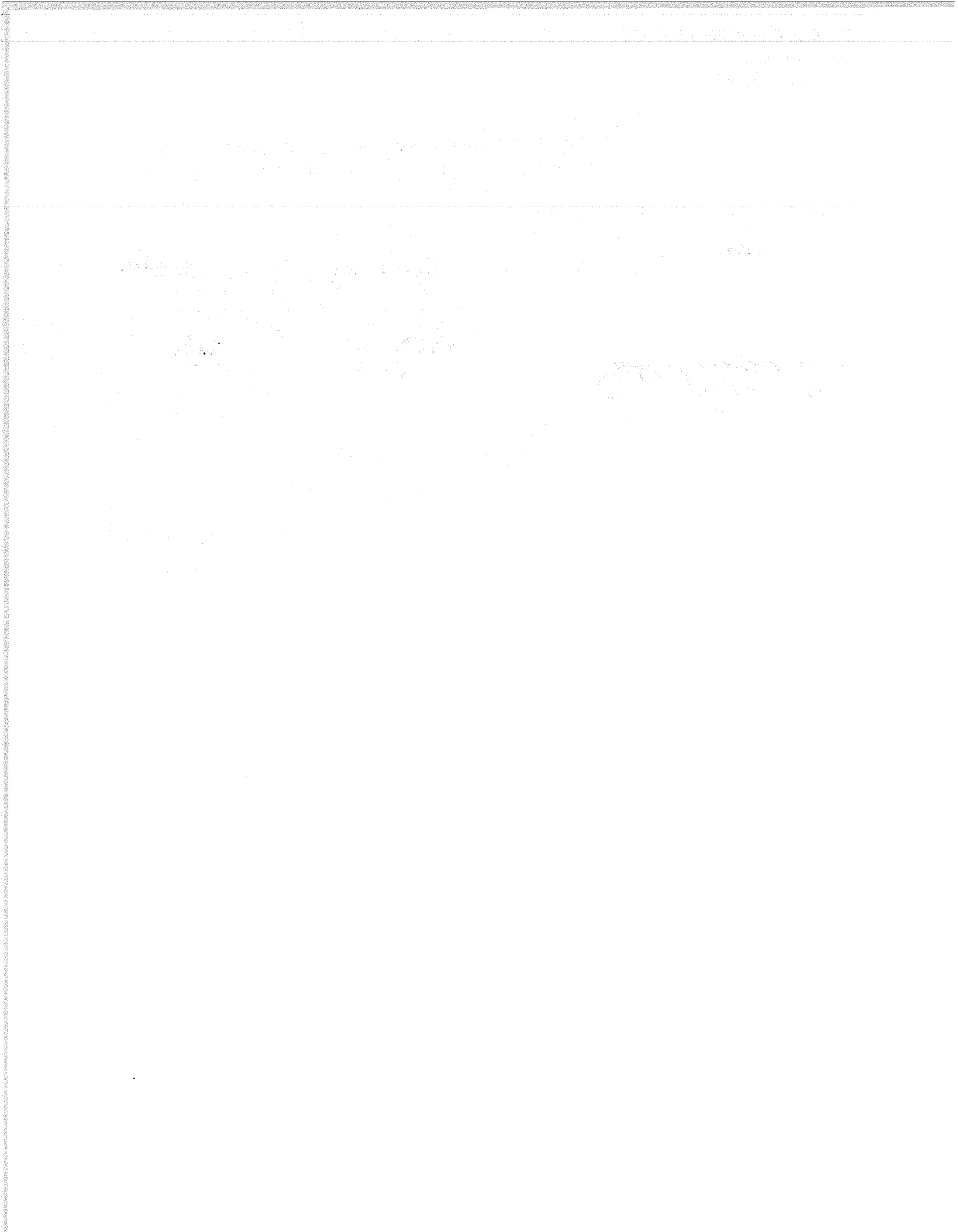
Public Disclosure Commission


Evelyn Fielding Lopez
Executive Director

I, Kurt Young, certify that I ^{emailed} mailed a copy of this order to the Respondent/Applicant at his/her respective address postage pre-paid on the date stated herein.
WKY Signed _____ Date 5/13/16

Enclosures:

Information about Appeal Rights
Stipulation as to Facts and Violations
Dismissal Memorandum to Presiding Officer



**INFORMATION ABOUT APPEALS OF INITIAL ORDERS,
FURTHER APPEAL RIGHTS,
AND ENFORCEMENT OF FINAL ORDERS**

APPEALS

REVIEW OF INITIAL ORDER - BY THE COMMISSION

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission review an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review. *WAC 390-37-144.*
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request. If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below.

If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable. If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order**. At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570.*

RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150.*

- **Note:** the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). (The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150.*

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5).*

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A final order issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755.* The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If enforcement of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.



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**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action
Against

Paul Schneider

Respondent.

PDC Case No 15-067

Stipulation as to Facts, and
Violations

The parties to this Stipulation, the Public Disclosure Commission Staff, through its Executive Director, Evelyn Fielding Lopez, and Respondent Paul Schneider, submit this Stipulation as to Facts and Violation in this matter.

The parties agree that the Presiding Officer has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Presiding Officer suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

Jurisdiction

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance and disclosure laws; RCW 34.05, the Administrative Procedure Act; and WAC 390.

Facts

1. Paul Schneider is a teacher at University High School in the Central Valley School District No. 356.
2. On March 10, 2015, Mr. Schneider filed a Candidate Registration (C-1 report) and a Personal Financial Affairs Statement (F-1 report) declaring his candidacy for election to Spokane School District 81 as a School Director. Mr. Schneider was a first-time candidate for public office in 2015

3. On May 28, 2015, Mr. Schneider recorded a video advertisement that supported his candidacy for Spokane School Director in a University High School shared employee office space.
4. In the video, Mr. Schneider introduced himself to Spokane area voters as a candidate for Spokane School District School Director in 2015, and informed viewers that he would be communicating with voters via his campaign Facebook page. He stated that his campaign website should be up and running soon and that he would be posting weekly videos on the campaign website.
5. The video provided viewers with Mr. Schneider's campaign website address and solicited viewers to submit questions to the campaign through the Facebook page and campaign website. Mr. Schneider explained that his campaign's weekly videos would answer the questions he had received concerning education issues and his candidacy.
6. Ben Magruder and Kylee Dickinson, two University High School students who were part of Don Owen's AP Government class, each made a separate video on their own that supported Mr. Schneider's candidacy, and Mr. Schneider posted those student videos on his campaign website. The student videos were part of the normal and regular conduct for students participating in Mr. Owen's AP Government class.
7. No evidence was found that Mr. Magruder or Ms. Dickinson were provided special access or authorization to the University High School facilities in order to make or produce the videos.
8. No evidence was found that either Mr. Magruder or Ms. Dickinson were supervised, influenced, or directed in any way by Mr. Schneider or Mr. Owen in making the videos in support of Mr. Schneider's candidacy.

Statutory Authority and Rule

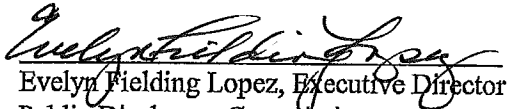
RCW 42.17A.555 – Prohibits the use of public office or agency facilities in campaigns and states the following: “No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities...:

- (3) Activities which are part of the normal and regular conduct of the office or agency.”

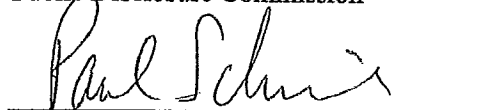
WAC 390-05-273 Defines normal and regular conduct of a public office or agency, to mean "...conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

Violation

Based on the Stipulation of Facts set forth above, Paul Schneider, a teacher at University High School in the Central Valley School District, violated RCW 42.17A.555 by using the facilities of the Central Valley School District to assist his campaign for School Director in Spokane School District in 2015, when he recorded a video a political advertisement in a University High School shared employee office space.


Evelyn Fielding Lopez, Executive Director
Public Disclosure Commission

5/10/2016
Date Signed


Paul Schneider

5/8/16
Date Signed

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Memorandum

To: Katrina Asay, Chair, Public Disclosure Commission

From: Kurt Young, PDC Compliance Officer

Date: May 10, 2016

Subject: Paul Schneider partial dismissal of allegations memorandum for Presiding Officer, PDC Case 15-067

A Brief Enforcement Hearing has been scheduled for May 11, 2016, concerning allegations that Paul Schneider violated RCW 42.17A.555 by using school district facilities to assist his campaign for School Director in Spokane School District No. in 2015, when he videotaped a political advertisement in a University High School shared employee office space. There were two additional allegations listed in the complaint that staff is recommending be dismissed based on the information below.

Allegations:

The complaint alleged that Mr. Schneider may have violated RCW 42.17A.555 by using Central Valley School District facilities to assist his campaign for the following activities:

- A June 12, 2015, video was made by Ben Magruder, a University High School student, which featured him standing inside of a Central Valley School District classroom explaining his support of Mr. Schneider.
- A July 9, 2015, videotape was made by Kylee Dickinson, a University High School student, which featured her standing inside of a Central Valley School District classroom explaining her support of Mr. Schneider.

Findings:

PDC staff reviewed and investigated the allegations regarding the student videos, and found the following:

1. Mr. Schneider stated that a group of University High School students created a Facebook page dedicated to volunteering on his School Director campaign, and he found out about the Facebook page after the page had been created by the students and put on-line.

2. PDC staff spoke with Don Owen, an Advanced Placement Government Teacher (AP), at University High School. Mr. Owen stated that as part of his AP Government class, his students are required to participate in some form of political activity. He provides the students with a list of approved activities, and the student decides which activity to participate in. Mr. Owen provided a copy of the "Political Project" for his AP Government class which listed the "Types of Projects" that the students must complete:
 - Attending a government meeting or formal lecture on a political issue and writing a two-page paper on what was learned.
 - Attending and scoring a debate which includes the student bringing back literature from the debate and having a picture taken confirming the student was in attendance.
 - Attending a political movement and the student must bring back literature, have a picture taken confirming the student was in attendance, and write a two-page paper summarizing the event including the students' opinions on what was observed and how they participated.
 - Assisting a campaign or political movement in which the student must: (1) Participate as a volunteer (for a candidate, political party, organization, etc...) and engage in activities including doorbelling or leafletting, sign waving, assist in setting up a rally, make telephone calls, etc...; (2) Have a picture taken confirming the student was in attendance; and (3) Write a two-page paper summarizing the experience and opinions on what was observed, and how they participated.
3. Mr. Owen stated that many of his past AP Government students have worked on political projects and requested their assignments for the upcoming school year in advance, and that some of the students have worked on their political projects over the summer months before school started. He added that if a student wants to work on project not listed on the Political Project sheet, the student must get his approval first, and that he does not direct or influence students to work on specific projects.
4. Mr. Schneider stated that Mr. Magruder and Ms. Dickinson made the videos on their own, they were not provided special access or authorization to school district facilities, and that the two students "were not supervised in any specific way." He stated that neither he, Mr. Owen, nor any other person authorized, directed or influenced Mr. Magruder or Ms. Dickinson in making the videos to support his candidacy. He stated that he posted the two videos made by Mr. Magruder and Ms. Dickinson at University High School, to his campaign website along with the one he made.
5. The videos made by Mr. Magruder and Ms. Dickinson at University High School were part of the normal and regular conduct for students participating in Mr. Owen's AP Government class, and did not violate RCW 42.17A.555.

Staff Recommendation:

Staff recommends that the Presiding Officer dismiss the two allegations against Paul Schneider that he violated RCW 42.17A.555 through using school facilities and resources for the two student videos.