

# MODIFICATION REQUEST COVER SHEET

<b>Name of Filer</b>	<b>DAVID B. JOHNSTON</b>
<b>Reporting Period</b>	<input checked="" type="checkbox"/> Annual report – calendar year 2016 <input type="checkbox"/> Candidate/Appointee report
<b>Type of Request</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Renewal with No Change – <u>original granted on August 15, 2007</u> <input type="checkbox"/> Renewal with Change
<b>Office Held &amp; Term</b>	School Board Member, Snohomish School District Elected term ends 2019
<b>Application Rule(s)</b>	<input type="checkbox"/> Income & Ownership Interest: WAC 390-28-100(b) <input type="checkbox"/> Personal Residence: WAC 390-28-100(d) <input checked="" type="checkbox"/> Attorney: <a href="#">WAC 390-28-100(1)(e)(i)</a> <input type="checkbox"/> Judge / Judicial Candidate: WAC 390-28-100(1)(e)(ii) <input type="checkbox"/> Spousal: WAC 390-28-100(1)(e)(iv) <input type="checkbox"/> Other: WAC 390-28-100(1)(a)(c)
<b>Explanation of Rule(s)</b>	<p><b>Lawyers and law firms (when applicant is an incumbent or candidate and acts alone or as part of a governing body, board, or commission).</b> An applicant may be allowed to satisfy the reporting requirements of RCW <a href="#">42.17A.710</a> (1)(g)(ii) and WAC <a href="#">390-24-020</a> by disclosing reportable clients from whom compensation has been paid in excess of the reporting threshold as follows:</p> <p>(A) The names of the business clients for whom the applicant has done legal work;            (B) Other clients of the law firm whose interests are significantly affected by the applicant's actions as an elected or appointed official or whose actions will be affected by the applicant's action should the applicant be elected whose identities become known to the applicant through any means;            (C) The names of the clients of the law firm who are listed in Martindale Hubbell, the firm's resume, web site, or similar promotional materials; and            (D) Governmental clients that have done business with the law firm.</p> <p>An applicant may also be required to disclose all business customers from whom compensation in excess of the reporting threshold has been received whose identities are publicized or referenced in documents open for public inspection at the courts, in administrative hearings, at proceedings conducted by public agencies, or are a matter of public knowledge in other similar public forums. Alternatively, the commission may require an applicant to report only those publicly identifiable customers of which the applicant is aware.</p>
<b>Supporting Documents (attached)</b>	<input checked="" type="checkbox"/> Current F-1a (filed April 17, 2017) <input checked="" type="checkbox"/> F-1a (filed April 12, 2016) <input checked="" type="checkbox"/> Last Full F-1 (filed April 10, 2015) <input checked="" type="checkbox"/> Letter <input checked="" type="checkbox"/> Modification Application <input checked="" type="checkbox"/> Prior order (if renewal) – June 28, 2016
<b>Reason(s) for Modification (as stated by filer)</b>	<ul style="list-style-type: none"> <li>• Mr. Johnston is requesting renewal of the reporting modification that would exempt him from disclosing the business customers that paid \$12,000 or more during 2016 to Livengood Alskog, PLLC, a law firm.</li> <li>• Mr. Johnston is a member of Livengood Alskog, a law firm located in Kirkland, of which he has a 20% ownership interest.</li> </ul>

	<ul style="list-style-type: none"><li>• Mr. Johnston stated that the law firm's total fee receipts in 2016 were approximately \$2,824,600. He stated the firm currently has 16 employees. He said he is involved in the day-to-day operations of the firm and does have access to the firm's client list.</li><li>• Mr. Johnston stated that it would cause a manifestly unreasonable hardship on him, his law firm partners, other attorneys in the firm and the firm's clients to disclose the reportable business customers because of the volume of business clients, staff time required to provide the information and time and resources necessary to obtain the consent of all business clients. He stated that it may not be possible to obtain consent from all business clients. He said it would put the firm at a competitive disadvantage to disclose their list of business clients as other law firms could solicit these clients for business.</li></ul>
<b>Other Issues</b>	<p>Mr. Johnston stated that the Snohomish School District did not make any payments to his law firm in 2016.</p> <p>In accordance with WAC 390-28-100(1)(e)(i), Mr. Johnston disclosed the following information:</p> <ol style="list-style-type: none"><li>1. Reportable business clients for which he provided legal work;</li><li>2. Reportable governmental clients of the law firm; and</li><li>3. A list of all clients listed on the firm's website or in Martindale Hubble.</li></ol>
<b>Staff Recommendations</b>	Approve renewal of the reporting modification with no change.