



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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MINUTES – Regular Meeting

Evergreen Plaza Building, Room 206
711 Capitol Way South
Olympia, Washington

9:30 a.m.
April 23, 2015

COMMISSION MEMBERS PRESENT

Grant Degginger, Chair
Katrina Asay, Vice Chair
Amit Ranade, Member
Anne Levinson, Member
John Bridges, Member

STAFF PRESENT

Andrea McNamara Doyle, Executive Director
Tony Perkins, Acting Assistant Director
Jennifer Hansen, Filer Assistance Specialist
Linda Dalton, SR. Assistant Attorney General
Jana Greer, Executive Assistant

The regular meeting of the Public Disclosure Commission was called to order by Commission Chair Grant Degginger at 9:35 a.m. in the Evergreen Plaza Building, Room 206 Olympia, Washington.

Opening Comments

Commissioner Degginger called the meeting to order.

Citizens Comments/Concerns

No comments or concerns were expressed.

Commissioner Comments/Concerns

No comments or concerns were expressed.

Minutes

- Regular Meeting Minutes of March 26, 2015

Andrea Doyle identified two minor corrections to the minutes that were noted by Linda Dalton and would be reflected in the revised version upon approval.

Commissioner Levinson clarified her original intent on Motion 15-0010 regarding rulemaking at the March 26, 2015 meeting. The original motion and approval by the body was to amend WAC 390-37-040 to move the language states relating to an elected official or candidate for elective office, so that the attestation requirement for a member of the public in filing a complaint would be applicable to all types of complaints, not just those involving elected officials and candidates.

Commissioner Levinson also clarified that the original draft language that was proposed for the attestation, included the phrase “complete,” and that the Commission agreed that the language instead should say the information is “true and accurate to the best of the complainant’s knowledge and belief”, and that it would not require them to attest that it was “complete” information.

Commissioner Degginger asked that the minutes be rewritten to reflect these changes.

Motion 15-0021

Moved by Commissioner Levinson, seconded by Commissioner Ranade that:

The Commission adopt the regular minutes of March 26, 2015 meeting as amended.

The motion passed. Commissioner Asay abstained since she was not in attendance of the March 26, 2015 regular meeting.

Minutes

- Special Meeting Minutes of April 9, 2015

Motion 15-0022

Moved by Commissioner Ranade, seconded by Commissioner Levinson that:

The Commission adopt the special meeting minutes of April 09, 2015 meeting.

The motion passed.

Legislative/Budget Report

Andrea McNamara Doyle provided an update of the legislative session.

Ms. Doyle noted that there is some discussion that the session may end as early as April 24 but it remains unclear at this time when they will reconvene for a special session and what the scope of it will be.

Ms. Doyle updated the Commission on the status of bills of interest; SB5153, that would address dark money and increased the disclosure requirements from non-profit organizations, was defeated in the Senate on a procedural vote. She referenced a Seattle Times article that explained the circumstances around this.

She noted that HB1819 addressing the public inspection of campaign records has now been signed by the Governor and will take effect this July. PDC staff will be looking at this bill to see if rulemaking will be necessary.

Ms. Doyle continued to review bills that are currently moving through the process, noting a bill that promotes the use, acceptance and removal of barriers for electronic signatures has made it all the way through and has been delivered to the Governor for signature. This will allow the PDC to move forward with its interest in eliminating signature cards without getting agency-specific legislation to change the parts of the PDC law that discuss when and how physical signatures are required.

Ms. Doyle previewed what the process will be for the summer work on the agency's legislative agenda for the

upcoming year.

She noted that next year is the second year of the biennium and bills that did not make it all the way through the legislative process are automatically able to be considered for next year. If the Commission decides it wants to re-work the bills that are pending this session, these will be available to continue advancing without having to reintroduce them.

Ms. Doyle encouraged the Commission to start thinking about any proposals for agency-request legislation as well. The May regular commission meetings is often when the list of potential agency-request legislation is examined.

Ms. Doyle discussed the status of the budget, She noted that it does not appear the legislature is close to finalizing negotiations on the small agency budgets as of yet. She continues to have conversations and hopes the legislature will find a way to reconcile the House and Senate versions of the budget in a way that is most advantageous to the PDC.

Strategic Plan Item: Alternative Responses to Non-Compliance Complaint Resolution Models and Options

- Update on Stakeholder Outreach Efforts
- Continued Discussion of Possible Rulemaking and Other Options

Tony Perkins stated that staff has filed a proposal with the Code Reviser to allow draft language to be presented to the Commission at the May 28, 2015 regular Commission meeting. Staff has prepared draft language that includes the commission's guidance and comments and will include any additional information pending the discussion from today's meeting.

Mr. Perkins discussed the stakeholder work that has begun concerning the potential to expand use of the Fair Campaign Practices Code model for processing other types of complaints so that alleged violations of the PDC's chapter regarding late or incomplete reports could be processed in the same or similar manner as complaints filed under the fair campaign practices code.

He reviewed the results of a survey sent to the stakeholders. Based on the interest of some survey respondents and staff, this appears to be a viable way to process minor violations and therefore staff is seeking the Commission's approval to prepare proposed rule language to amend or supplement WAC 390-32-030.

Commissioner Levinson asked staff to provide a breakout of the survey responses to show the types of respondents. Mr. Perkins responded that this was an anonymous survey.

Andrea McNamara Doyle noted that the survey was sent

out to the PDC stakeholder list and was made available on the PDC website home page as well.

Commissioner Levinson noted that the survey did not include the question of whether this alternative would be desirable if it allowed more serious complaints to be handled more expeditiously because staff resources could be focused and more efficiently prioritized for the serious complaints. She stated that since a lot of this effort around alternatives is to assist in managing public resources and staff time to allow for more expeditious resolution and triaging complaints that purpose should be made more explicit factors.

Mr. Perkins offered to conduct additional stakeholder work if needed.

Commissioner Degginger noted that the rulemaking process with allow for this as well.

Commissioner Levinson asked that staff prepare a goals and objectives preface to the draft language and that the Commission gets an opportunity to review this before it is finalized.

Reporting Modifications (Renewal with No Change)

- *Amit Ranade*, Commissioner, Public Disclosure Commission

Motion 15-0023

Commissioner Amit Ranade recused himself.

Jennifer Hansen presented a request to renew the reporting modification application, with no changes, for Amit Ranade.

Moved by Commissioner Asay, seconded by Commissioner Levinson that:

The Commission grant the partial reporting modifications as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed.

Commissioner Ranade returned to the meeting.

Reporting Modifications (New)

- *Johanna Bender*, Judge, King County District Court

Motion 15-0024

Jennifer Hansen presented Johanna Bender's request for a new reporting modification that would exempt her from reporting real estate, including street address, parcel number, or legal description, for her residential address.

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant the partial reporting

modification as requested, including the retroactive nature of the request, finding that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed.

Reporting Modifications (New)

- *Raymond F. Clary*, Judge, Spokane County Superior Court

Jennifer Hansen presented Raymond Clary's request for a new reporting modification that would exempt him from disclosing his personal residential address information, including street address, parcel number, or legal description, on his Personal Financial Affairs Statement covering the last 12 months.

Motion 15-0025

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant the partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed.

Reporting Modifications (New)

- *Kenneth C. Rogers*, Port Commission Candidate, Port of Seattle

Jennifer Hansen presented Kenneth Rogers request for a new reporting modification that would exempt him from disclosing the business and governmental customers that paid \$12,000 or more during the previous 12 months, to Delta Air Lines, Inc. of which he is a shareholder-elected member of the board of directors and employee.

Motion 15-0026

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant the partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed.

Reporting Modifications (New)

- *Sarah Tarzwell*, School Director, Shelton School District 309

Jennifer Hansen presented Sarah Tarzwell's request for a new reporting modification that would exempt her from disclosing the business customers that paid \$12,000 or more during 2014 to AlphaTest Corporation of which her spouse is President.

Ms. Hansen reported that Ms. Tarzell also requested a retroactive reporting modification that would exempt her from disclosing the business customers that paid \$12,000 or more to AlphaTest Corporation of which her spouse is President during the 12 months prior to her appointment.

Motion 15-0027

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant the partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed.

Reporting Modifications (Renewals With Change)

- *William S. Ayer, Regent, University of Washington*

Jennifer Hansen presented William Ayer's request for renewal of a reporting modification with change that would exempt him from disclosing the business and other governmental customers that paid \$12,000 or more during 2014 to Puget Sound Energy (PSE).

Mr. Ayer further requested a reporting modification that would exempt him from disclosing the business customers that paid \$12,000 or more during the reporting period to Museum of Flight Foundation.

Motion 15-0028

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant the partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed.

- *John Chun, Judge, King County Superior Court*

Jennifer Hansen presented John Chun's request for renewal with minor change of the reporting modification that would exempt him from disclosing his personal residential address information, including street address, parcel number, or legal description, on his Personal Financial Affairs Statement covering 2014.

Motion 15-0029

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant the partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed.

- *Bradley A. Maxa*, Judge, Court of Appeals Division II

Jennifer Hansen presented Bradley Maxa's request for a renewal with minor change of the reporting modification that would exempt him from disclosing his personal residential address information, including street address, parcel number, or legal description, on his Personal Financial Affairs Statement for 2014.

Motion 15-0030

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant the partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed.

**Reporting Modifications
(Renewal with No Change)**

- *Kristianne Blake*, Regent, University of Washington
- *Bruce Dammeier*, Senator, 25th Legislative District
- *Marc Daudon*, Executive Board Member, Energy Northwest
- *Charles Quentin Powers*, Trustee, Edmunds Community College
- *Rodney Reid*, Port Commissioner, Port of Waterman
- *Orin Smith*, Regent, University of Washington

Jennifer Hansen presented requests to renew reporting modifications application, with no changes, for Kristianne Blake, Bruce Dammeier, Marc Daudon, Charles Quentin Powers, Rodney Reid, and Orin Smith.

Motion 15-0031

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant a partial reporting modification as requested, finding that literal

application would cause a manifestly unreasonable hardship on the applicants and that a limited modification would not frustrate the purposes of the act.

The motion passed.

Jennifer Hansen presented requests to renew a reporting modification application, with no changes, for Matthew Williams.

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant a partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicants and that a limited modification would not frustrate the purposes of the act.

The motion passed.

Jennifer Hansen presented requests to renew a reporting modification application, with no changes, for Gretchen Adams.

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant a partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicants and that a limited modification would not frustrate the purposes of the act.

The motion passed.

Jennifer Hansen presented requests to renew reporting modifications application, with no changes, for Theresa B. Doyle, Leila Mills, Lisa N. O'Toole, Palmer Robinson, Roger Rogoff, Claire Sussman, Lucinda Whaley, Robert H. Whaley, and Kalo Wilcox.

**Reporting Modifications
(Renewal with No Change)**

- *Matthew W. Williams*, Judge, King County District Court Southeast Division

Motion 15-0032

**Reporting Modifications
(Renewal with No Change)**

- *Gretchen Adams*, Trustee, Tacoma Community College

Motion 15-0033

**Reporting Modifications
(Renewal with No Change)**

- *Theresa B. Doyle*, Judge, King County Superior Court
- *Leila Mills*, Judge, Kitsap County Superior Court
- *Lisa N. O'Toole*, Judge King County District Court
- *Palmer Robinson*, Judge, King County Superior Court
- *Roger Rogoff*, Judge, King County Superior Court

- *Claire Sussman*, Judge, Pierce County, District Court
- *Lucinda Whaley*, Commissioner, Wa St Parks & Recreation Commission
- *Robert H. Whaley*, Trustee, Eastern Washington University
- *Kalo Wilcox*, Judge, Thurston County District Court

Motion 15-0034

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant the partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed.

**Reporting Modifications
(Renewal with No Change)**

- *Palmer Robinson*, Judge, King County Superior Court
- *Nancy Whitten*, Council Member, City of Sammamish

Motion 15-0035

Jennifer Hansen presented requests to renew reporting modifications application, with no changes, for Palmer Robinson and Nancy Whitten.

Moved by Commissioner Ranade, seconded by Commissioner Asay that:

The Commission grant the partial reporting modification as requested, finding that literal application would cause a manifestly unreasonable hardship on the applicants and that a limited modification would not frustrate the purposes of the act.

The motion passed.

Staff Reports

Executive Director

Andrea McNamara Doyle reported on the survey results conducted by Stewart Elway concerning the PDC and the importance of disclosure.

Ms. Doyle stated that this spring the PDC had an opportunity to talk with King County Department of Elections surrounding ideas that they were looking at submitting to the Knight news challenge. She noted that another opportunity with King County arose to work with them in a partnership regarding their “informed voter” campaigns. PDC has the opportunity to use some of the

accumulated savings from this year's PDC budget to join with King Co. and jointly purchase some services that would help the PDC marketing as well as buy into the purchasing power of the group to leverage purchases of advertising time.

Public Service Announcements (PSA's) have been of interest to the Commission in the past but there has not been a budget for it. PDC contacted Elway Resource Group to assist in getting data that would provide baseline information that we can measure against the effect of any marketing that PDC is able to do.

Ms. Doyle reviewed the results of the questions asked via the Elway survey and asked the Commission to forward any comments, questions, or suggestions to her.

Ms. Doyle noted that her efforts have also been focused on the preparation for the Executive Director recruitment process.

Chief Information Officer

James Gutholm updated the Commission on the ongoing recruitment for an IT developer (ITS-5). He was informed that the most recent candidate has accepted another position. Mr. Gutholm noted that the recruitment is still open and that he is reexamining the position description and considering reclassifying the position to reach a larger candidate pool.

Mr. Gutholm spoke about filer registration and the signature process and possibilities for streamlining. A bill proposed by OFM would allow the use of electronic signatures anywhere that a regular signature is required. It has passed both the House and the Senate, and is waiting now for the Governor to sign. This will open a lot of opportunity for the PDC and with guidance from the Commission PDC will decide how to go forward and implement improvements to the filer registration authorization and certification processes.

Assistant Director

Tony Perkins reported the communications and outreach division has been performing candidate trainings and campaign workshops, most recently in Snohomish and Thurston county.

He stated that staff has completed updating manuals and brochures for the year.

Mr. Perkins continues to assist the compliance division with backlogs of complaints and pending investigations. He also continues to work on updating and revising agency policies.

Mr. Perkins addressed the issue of volume of pending items and stated that this will need a realignment of the compliance resources to focus on the top priorities.

Executive Director Recruitment

Andrea McNamara Doyle presented a list of items related to the Executive Director Recruitment process for the Commission's consideration:

- Staffing the recruitment – continue discussion
- Issues that will be facing the Commission over the next few months when there is a potential to have a gap in the position
- Feedback from Commission on the revisions on the draft job description of the Executive Director
- Review draft of input of stakeholder solicitation letter
- Discuss the role that the Commission would like staff to have in the process

Motion 15-0036

Moved by Commissioner Ranade, seconded by Commissioner Bridges that:

The Commission delegate to Chair and Vice Chair to work with Executive Director to contract with a firm or fire temporary staff to support efforts.

The motion passed.

Ms. Doyle discussed the need to determine the role that the Commission, as a whole, intends to play in the recruitment vs. what roles would be delegated to one or more Commissioners or staff.

Executive Session/Working Lunch

The Commission went into Executive Session at 12:10 p.m. to discuss pending and potential litigation with legal counsel and to discuss the qualifications of applicants for state employment and the performance of state employee.

**Executive Director Recruitment
(Continued)**

The Commission returned from executive session at 1:14 p.m.

Motion 15-0037

Moved by Commissioner Levinson, seconded by Commissioner Ranade that:

The Commission authorize the hiring of an interim executive director and delegate a member of the Commission to work with the existing Executive Director on the hiring of this individual and make a recommendation back to the full Commission in as timely a fashion as possible.

The motion passed.

Motion 15-0038

Moved by Commissioner Asay, seconded by
Commissioner Bridges that:

**The Commission authorize Commissioner Levinson
work with Executive Director Doyle to find an interim
Executive Director.**

The motion passed.

The meeting adjourned at 1:16 p.m.

Adjournment

Approved by the Commission on May 28, 2015.