

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

MINUTES – Special Meeting

9:30 a.m. | September 6, 2018

Evergreen Plaza Building, Room 206

711 Capitol Way

Olympia, Washington

Commission Members Present (Participated via conference call)

Anne Levinson, Chair; Jack Johnson, member; Bill Downing, member.

Staff Present (at PDC office)

BG Sandahl, Deputy Director; Sean Flynn, General Counsel; Kim Bradford, Communications and Outreach Director; James Gutholm, Chief Information Officer; Jana Greer, Administrative Officer; and Chad Standifer, Assistant Attorney General.

Staff Present (Participated via conference call)

John Meader, Assistant Attorney General.

The special meeting of the Public Disclosure Commission (PDC) was called to order by Commission Chair Anne Levinson at 9:30 a.m.

Emergency APA Rule Petition Request | [PDC Meeting Video](#)

Conner Edwards participated via conference call.

Barbara Sandahl, Deputy Director, summarized Conner Edwards' emergency [APA rule petition request](#) for investigation status reviews, called "initial hearings" in ESHB2938, to be publicly noticed and made open for public attendance on an emergency basis until permanent rules are adopted. Director Sandahl reviewed the options available to the Commission to address the request.

Mr. Edwards requested members of the public be allowed to observe these initial hearing proceedings. Through comments from attendees and stakeholders, the PDC may be able to gather information it can use to improve initial hearings and make them a meaningful part of the enforcement process.

Mr. Edwards requested that if the petition is denied, that the agency provide him with a written denial, specifically addressing the concerns raised and the alternative means by which it will address his concerns.

Commissioner Johnson said a rulemaking hearing is a scheduled for the September 27 regular commission meeting, and Mr. Edwards' petition should be included in the rulemaking process as a stakeholder comment.

Motion 18-060 Moved by Commissioner Johnson, seconded by Commissioner Downing that:

That the Commission initiate rule-making proceedings for the proposed rule changes by incorporating the suggestions in the petition into the stakeholder review process for the previously initiated rulemaking for WAC 390-37-060, in accordance with RCW 34.05.340.

The motion passed 3-0.

Continued Review of Agency Request Legislation | [PDC Meeting Video](#)

The Commission continued a review of agency request bill, amendments to [RCW 42.17A](#).

The 2018 session was a short session, and ESHB 2938 was a significant bill with a number of substantive changes to different elements of RCW 42.17A. There were some elements of the bill that were identified as needing further refinement, but there was not sufficient time for both houses to address them. The bill sponsors supported our request that they would work with the PDC on agency-request legislation (a 'trailer bill') for any elements identified, but not addressed during the session (including a couple of places where we collectively supported a veto to allow for some better language to be substituted), as well as areas identified during initial implementation and rule-making by the PDC post-session.

There were also a few additional PDC-related statutory reforms that the PDC had on its list, such as improvements to the F-1 process, amending out-of-date language, and taking the opportunity to address concerns raised or suggestions made by stakeholders to make the law easier to understand and comply with current, consistent best practices, etc., as well as to address issues that have been raised through enforcement proceedings, litigation, or requests for filer assistance.

Motion 18-061 Moved by Commissioner Johnson, seconded by Commissioner Downing that:

The Commission approve the draft to date and authorize the Chair to continue working with the staff team, legislators and others on further refining the draft legislation consistent with the policy goals the Chair set out in her introduction and as discussed.

The motion passed 3-0.

Meeting adjourned at 10:50 a.m.

Approved September 27, 2018.