



**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

November 14, 2018

Delivered electronically to "jenny.durkan@seattle.gov"

Subject: PDC Case 41179

Dear Jenny Durkan:

Below is a copy of an electronic letter sent to Lincoln Beauregard concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted below to Lincoln Beauregard, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

If you have questions, you may contact Tabatha Blacksmith at 360-586-8929, toll-free at 1-877-601-2828 or by e-mail pdc@pdc.wa.gov.

Sincerely,

/s_____

Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s_____

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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November 14, 2018

Delivered electronically to “lincolnb@connelly-law.com”

Subject: Complaint regarding Bruce Harrell, Debora Juarez, Jenny Durkan, Lisa Herbold, Maria Lorena Gonzalez, Michael O'Brien, Robert Johnson, Sally Bagshaw, and Teresa Mosqueda, PDC Cases 41179, 41181, 41182, 41183, 41184 41185, 41186, 41188, 41189

Dear Lincoln Beauregard:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on September 20, 2018. Your complaint alleged that the individuals named above may have violated RCW 42.17A.555 by using public facilities to support a ballot measure (education levy).

PDC staff reviewed your allegations and, as a result of staff's initial review, have found the following:

- A cell phone conversation (texts) between unidentified persons occurred between June 9-11, 2018 and included discussion regarding reversing a recently-passed Employee Hours Tax (EHT) and protecting an education levy. You indicated your belief that one of the parties to the call was Councilmember Gonzalez. You did not indicate whether the texts were sent and received on devices that belong to the city or if the texting occurred during work hours, although the bulk of the texts were transmitted during a weekend.
- In his declaration, dated September 12, 2018, Seattle City Attorney Peter Holmes stated his belief that discussions regarding repealing the EHT and the education levy initiative did not concern official city business whereas discussions regarding the Council taking legislative action (e.g. to repeal the EHT, etc.) would “concern official business.” Mr. Holmes cited the ever-changing nature of communication and meeting topics as an inherent challenge when maintaining a separation between political and official business matters.
- In his September 12, 2018 declaration, Mr. Holmes stated that “individuals were using both personal and city devices” leading up to the EHT repeal.

- The alleged activity falls under the jurisdiction of the Seattle Ethics and Elections Commission (SEEC), which addresses violations of Title 2.04.300 of Seattle's Municipal Code concerning the use of public facilities.
- In early October of 2018, you filed a related complaint with the SEEC, which responded on October 29, 2018 and indicated it did not find a violation but invited you to provide any “evidence of public officials using public facilities to promote or oppose ballot measures.”

Based on these initial findings, staff is deferring this matter to the SEEC, pursuant to WAC [390-37-061\(3\)](#) because the alleged violation is being addressed under an analogous local ordinance. The PDC has dismissed this complaint and will not be pursuing further investigation or enforcement action in this case.

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s_____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s_____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Bruce Harrell, Debora Juarez, Jenny Durkan, Lisa Herbold, Maria Lorena Gonzalez, Michael O'Brien, Robert Johnson, Sally Bagshaw, Seattle Ethics and Elections Commission, Teresa Mosqueda