



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
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Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

August 30, 2018

Sent electronically to Dr. John Steach, Evergreen School District at "john.steach@evergreenps.org"

Subject: Complaint filed by Maxford Nelson, PDC Case 37284

Dear Dr. Steach:

Enclosed is a copy of a letter sent to Maxford Nelson, with the Freedom Foundation, concerning a complaint filed with the Public Disclosure Commission (PDC) against the Evergreen School District alleging violations of RCW 42.17A.555 by using school district facilities to process employee voluntarily withheld contributions designated for the Washington Education Association/s Political Action Committee (WEA-PAC) and the National Education Association Fund for Children and Education (NEA-FCPE).

As noted in the letter to Mr. Nelson, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter. If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at [jennifer.hansen@pdc.wa.gov](mailto:jennifer.hansen@pdc.wa.gov)

Sincerely,

/s\_\_\_\_\_  
Jennifer Hansen  
Compliance Officer

Endorsed by,

/s\_\_\_\_\_  
Barbara Sandahl, Deputy Director  
For Peter Lavalley, Executive Director



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August 30, 2018

Delivered electronically to Maxford Nelson at "mnelsen@freedomfoundation.com"

Subject: Complaint regarding Evergreen School District, PDC Case 37284

Dear Maxford Nelson:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on June 20, 2018 and the additional information provided on August 24, 2018. Your complaint alleged that the Evergreen School District may have violated RCW 42.17A.555 by using school district facilities to process employee voluntarily withheld contributions designated for the Washington Education Association's Political Action Committee (WEA-PAC), a political committee registered with the PDC, and the National Education Association Fund for Children and Education (NEA-FCPE).

PDC staff reviewed the allegations listed in your complaint, PDC Interpretation #01-03, and the July 30, 2018 response from Dr. John Steach, Superintendent of the Evergreen School District. As a result of staff's review, we found the following:

- RCW 42.17A.555 prohibits the use of public facilities to support or oppose candidates and ballot propositions, including the use of school district resources, equipment and employees.
- The Commission adopted PDC Interpretation 01-03, *Guidelines for School Districts in Election Campaigns*, which provides information concerning the use of public facilities including activities that are permitted or prohibited, activities which are part of the "normal and regular conduct" of the school district, and other general considerations.
- Dr. Steach stated that under Washington State law, public agencies, including school districts, "are permitted to process authorized deductions from the wages or salary of employees for the purpose of political contributions. This does not violate the provisions of RCW 42.17A.555 as asserted by the Freedom Foundation." He stated that the Evergreen School District (ESD) did not assist any candidate's campaign for election, or support or oppose any ballot proposition, and that processing a district employee's authorized deductions is part of the "normal and regular conduct" of the ESD.
- Dr. Steach stated part of ESD's "normal and regular operations" is to process district employee monthly payroll, which involves the mandatory withholdings or deductions, and "permissive deductions from pay." He stated that in accordance with state law, other employee deductions and withholdings are permitted by any person authorized to disburse funds in payment of salaries or wages to employees of school districts, upon written request of at least ten percent of the employees, shall make deductions as they authorize, subject to the limitations or district equipment or personnel.

- Dr. Steach stated ESD is required to process those authorizations and pay the money as directed by the school district employee on a monthly basis. In addition, ESD is authorized as an employer to withhold or divert a portion of the employee's wages or salaries for contributions to committees with the written authorization of the employee in accordance with RCW 42.17A.495(3), and the "law paternally states that wages can be withheld for contributions to political committees or political contributions with the written consent of the employee." He added that the Commission adopted a form to be completed by the employees, which is found in WAC 390-17-100 and provides the required information in order for the employee's deductions to be properly documented.
- Finally, Dr. Steach stated ESD's "teacher's union, the Evergreen Educators Association (EEA) provides the employee with documentation required to authorize the deduction to the employee's paycheck. If the employee chooses to contribute, the employee fills out the documentation, returns it to EEA, and EEA submits it to the payroll office. The payroll office processes the paperwork as they do all other payroll deduction paperwork as required by RCW 38A.405.400." He stated that the form is filed with ESD and maintained as required in accordance with the rule for the employee deductions to WEA-PAC and NEA-FCPE.

The Evergreen School District processes employee payroll deductions and other employee voluntary withholdings as part of the "normal and regular conduct" of the school district. No evidence was found that the district provided any preferential treatment concerning district employee's withholding of funds designated for the WEA-PAC and NEA-FCPE, and any other district employee withholdings for charitable contributions, deferred compensation, etc.

Staff has determined that in this instance, no evidence supports a finding of a material violation warranting further investigation. The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case. If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at [jennifer.hansen@pdc.wa.gov](mailto:jennifer.hansen@pdc.wa.gov).

Sincerely,

/s\_\_\_\_\_  
Jennifer Hansen  
Compliance Officer

Endorsed by,

/s\_\_\_\_\_  
Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director

cc: Dr. John Steach, Evergreen School District