



PORTER FOSTER RORICK LLP

800 Two Union Square | 601 Union Street | Seattle, Washington 98101 | Tel (206) 622-0203 | Fax (206) 223-2003 | www.pfrwa.com

July 12, 2021

Tabitha Blacksmith
Compliance Officer
Public Disclosure Commission
711 Capitol Way #206
Post Office Box 40908
Olympia, Washington 98504-0908
Email: pdcc@pdcc.wa.gov

Dear Ms. Blacksmith,

We are attorneys representing the Riverview School District (“District”). This letter is the District’s response to the complaint filed by Bert Mills dated June 24, 2021, and communicated to the District June 29, 2021.

Allegation

The complainant alleged a violation of RCW 42.17A.555 by using District facilities to assist the election campaign of Sabrina Parnell. The allegations involve the award of a “Bridge-Builder Pin” award to Ms. Parnell, and the announcement of such award on District media.

Response

The District denies that it violated RCW 42.17A.555 by using public office/agency facilities to assist Director Sabrina Parnell’s re-election campaign. The award and communications in question are unrelated to and do not reference Ms. Parnell’s candidacy in any manner. Further, the District has a long-standing and regular practice of awarding Bridge-Builder Pin awards to numerous community members, thus, qualifying as normal and regular conduct of the agency.

RCW 42.17A.555 states that no “person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office.”

However, this prohibition does not apply to “[a]ctivities which are part of the normal and regular conduct of the office or agency.” Id. “Normal and regular conduct” is defined as “(1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner.”

WAC 390-05-273.

As a primary point, there was no mention of Sabrina Parnell's candidacy in any aspect of the Bridge-Builder award. There was no reference to Ms. Parnell's candidacy on her nomination form nor in the presentation of the award. Further, none of the District's communications regarding Ms. Parnell's award mention her candidacy. Importantly, this is not a scenario where a school district relayed a positive story about an elected official and then mentioned that the official was up for election, thus indirectly linking the positive story with the election. Instead, this is simply an allegation that any reporting of an award is de-facto assistance to a campaign. While the District is cognizant that RCW 42.17A.555 bars the use of public facilities for direct and indirect assistance to a campaign, the complaint's overly broad reading of RCW 42.17A.555 would lead to the incorrect conclusion that a school district is unable to report positive news stories that contain elected officials to the school community regardless of whether these stories relate to the elected official's candidacy. This is not the law. As such, none of the District's facilities were used to assist in the campaign of Ms. Parnell.

Further, the Bridge-Builder award is "part of the normal and regular conduct" of the District. RCW 42-17A-555(3). The Bridge-Builder award began in 1997, and has been presented to 221 recipients, ranging from students, to volunteers, to non-profits, to employees, to school board directors, for an average of just over 9 recipients per year during the history of the award. The application is available to the public on the school district website.

The frequency and publicity of the award is dependent on many factors, including number of applications, recipient availability, and media availability. All award recipients receive a Bridge-Builder Pin, the Bridge-Builder poem, and a copy of the nomination form. All award recipients become part of the public record through the meeting agenda and published and posted board minutes. Occasionally, like in Ms. Parnell's case, the District includes additional coverage of the award for the school community. However, unlike the complaint's allegations, this additional coverage is not limited to solely Ms. Parnell's award. A brief review of the District website finds at least three additional recipients who received similar write-ups from the District's communication department. All current school board directors have received the award in the past. For context, please see attached documents, including: (1) The Bridge-Builder Pin Nomination Form; (2) Bridge-Builder Pin Award Recipients.

The complaint further asserts that the Bridge-Builder Award or potentially the publicity attached to it is a Public Service Announcement. The Bridge-Builder Award does not meet the definition of a Public Service Announcement. *See generally* WAC 390-05-525(1) (containing a list of requirements that must all be met to qualify as a Public Service Announcement). While Ms. Parnell's Bridge-Builder award fails to meet many of the requirements, perhaps less obviously, in no manner was this award "one for which arrangements to include or reference" Ms. Parnell made "at least six months before the candidate became a candidate." *Id.* at (1)(g). Ms. Parnell was

Tabitha Blacksmith
July 12, 2021
Page 3

nominated in May 2021 and received the award at the regular school board meeting on May 25, 2021.

Both Ms. Parnell's receipt of the Bridge-Builder Pin and the coverage of the award was not a use of public facilities to assist a campaign and are well within the District's normal and regular conduct. Further, as has been recognized by the Public Disclosure Commission, school boards have authority to authorize expenditures to communicate with the general public regarding "preparing and distributing information to the general public to explain the instructional program, operation and maintenance of the schools of the district." RCW 28A.320.090. However, this grant of authority cannot be "construed to authorize preparation or distribution of information to the general public for the purpose of influencing the outcome of a school district election." As has been addressed above, there is no link between the Ms. Parnell's receipt of the Bridge-Builder award and her candidacy for re-election. The District was well within its authority to grant her the award she was nominated for and provide the community coverage of that award.

Sincerely,

PORTER FOSTER RORICK LLP



Tevon F. Edwards

TFE:cs
cc: Dr. Anthony L. Smith

Enclosures: The Bridge-Builder Pin Nomination Form
Bridge-Builder Pin Award Recipients