

Respondent Name
John Berg
Complainant Name
Dave Kimble
Complaint Description
<p>Csshkschools (Sat, 3 Jul 2021 at 9:08 PM) Please see complaint attached in PDF format.</p> <hr/> <p>Csshkschools (Fri, 9 Jul 2021 at 10:47 AM) To:"PDC Support" <pdcc@pdcc.wa.gov> Hello Tabbitha,</p> <p>Hoping these responses suffice. I believe that the evidence previously submitted clearly denotes as to where claims on lobbying and political action activities can be found. Citations of where and specifics of what were contained within the original complaint filed.</p> <p>Sincerely, D.A. Kimble, for: CSSKSD</p>
What impact does the alleged violation(s) have on the public?
Improper use of public school district assets and time. Misuse of school board meeting time to promote private website which in turn promotes his private parliamentary services. Lobbying politically for a group of district employees and a registered political action committee. Failure to register as a political action committee and failure to register as a lobbyist.
List of attached evidence or contact information where evidence may be found
See attached complaint in PDF format. Here is the new website Director Berg created to replace the first which has also been made a part of this complaint. J.R. Berg, PRA Website: https://cc.bingj.com/cache.aspx?q=johnberg.com%2f4sk&d=4547374142734613&mkt=en-US&setlang=en-US&w=L_SojC_smXAT6HgncTdf34Tr_RXy-3Ev
List of potential witnesses with contact information to reach them
SKSD Board Director Sebren SKSD Board Director Gattenby SKSD Board Director Daily SKSD Board Director Diehl SKSD Board Director Berg Gerry Austin - Treasurer SSKS SKSD Superintendent Winter SKSD PAO Miller CSSKS Community Group
Certification (Complainant)
I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908
Olympia, Washington 98504-0908

Attn: Mr. Phil Stutzman, Compliance Officer

Dear Mr. Stutzman,

This is our formal complaint against Mr. John R. Berg, Board Vice President for the South Kitsap School District Board of Directors. We allege violations of PDC enforced RCW's and WAC's. Potential witness would include all citizens who watched or attended the May 19, 2021 South Kitsap School District Board of Directors Meeting.

Specific witnesses that have knowledge and might be helpful are:

SKSD Board Director Sebren

SKSD Board Director Gattenby

SKSD Board Director Daily

SKSD Board Director Diehl

SKSD Superintendent Winter

SKSD PAO Miller

Alleged Violations of Seven RCW's and One

[RCW 42.17A.205](#) failure to timely & accurately register as a political committee

<https://app.leg.wa.gov/rcw/default.aspx?cite=42.17A.205>

(Fails to register as a political action committee)

[RCW 42.52.180](#) use of public resources for political campaigns.

<https://app.leg.wa.gov/rcw/default.aspx?cite=42.52.180>

(Misuse of public school/board time and property in promoting his political agendas)

[WAC 390-20-143](#) failure to register as a lobbyist agent.

<https://app.leg.wa.gov/wac/default.aspx?cite=390-20-143>

(Fails to register as a political lobbyist agent)

[RCW 42.17A.600](#) failure to register as a lobbyist.

<https://app.leg.wa.gov/rcw/default.aspx?cite=42.17A.600>

(Fails to register as a lobbyist)

[RCW 42.17A.615](#) failure to register as a lobbyist w/ commission/ statement.

<https://app.leg.wa.gov/rcw/default.aspx?cite=42.17A.615>

(Fails to register with commission and provide statements)¹

[RCW 42.17A.615](#) failure to file monthly lobbying reports.

(Promotes his alleged 'private website' during official SKSD Board Meeting)

[RCW 42.52.020](#) activities incompatible with public duties.

<https://apps.leg.wa.gov/rcw/default.aspx?cite=42.52.020>

(Lobbies, panders, promotes personal political agendas during performance of official duties.)

Allegations Supporting Alleged RCW Violations

(Find links to information supporting at end of this letter)

Director Berg is acting as a political lobbyist. His actions demonstrate and reflect he has established a political action committee. He is using public school (State) property, time, and other school resources to promote and spread his purportedly private political agendas.

He is using official school board time and resources to promote his private parliamentary business in which his business interests are integrated into his purportedly private and unofficial/personal website.

Currently Director Berg is vice-chair of the school board with the full set of ethical and moral responsibilities that entails. And now we find out he is excited and vying to take over the Chair of the SKSD Board of Directors. Another opportunity to propel is 'private' views and promotes his parliamentary business while seated in the 'power seat' of the SKSD Board of Directors.

He is acting as a political action committee yet has not registered as one but rather relies on his candidate for office filings for funding and other actions as a smoke screen to avoid the requirement of registering the new political action committee he has formed.

He is continuing to identify with and support a registered political action committee known as Supporters of South Kitsap Schools (SSKS). While Director Berg claims that, his political actions and activities have nothing to do with his official role and duties while elected to public office (SKSD Board of Directors), he nevertheless continues to promote his 'private' website during official School Board meeting. Director Berg further claims that his website is a resource for prospective board members. There are now ten candidates for two South Kitsap School Board seats this election cycle.

He continues in full-force to lobby (invite) all and everyone who wishes access and use of his 'educational' information during official school board public meetings using both public resources and school board time while doing so.

He broadcasts and promotes his own political slant and agendas under the guise of an educational website for candidates and others in our community. He promotes and panders his political beliefs and standings during official SKSD board meetings.

He unethically invites others to devise political strategies against CSSKS as well as inviting anyone who knows any activities of Citizens Supporting South Kitsap Schools (CSSKS) such as names of members or other information to report directly to him via his political email address listed for this purpose on his website.

He professes, persists, and broadcasts his false narratives while claiming his postings and actions 'are not official', with further claims that they are not representative of the South Kitsap School Board of School District.

He uses his 'private website' to contrast what he call "two opposing community groups". He lends favorable light to one, no so much to the other. It is CSSKS that is left eating 'the black cake' as they say at during police or other law enforcement gatherings. Good cop/Bad cop, so to speak. Director Berg's actions have the cast and hue of politics. His efforts are clearly aimed at attempts to pre-influence opinions on political matters as we are now beginning another political season/election cycle.

His behavior demonstrates a lack of respect and compliance with PDC rules and regulations on political activities. I will not delve into the ethical issues in this complaint. Director Berg continues to insist his private non-board representative website is politically neutral.

CSSKS realizes that the role of PDC is limited in scope to address many of the above allegations and concerns. Our goal in making this letter of complaint is to ask PDC to encourage Director Berg to 'get right' with the requirements set forth in PDC rules and guidelines for lobbyists , political action committees and to abide by all relevant State Revised Codes and State Administrative Codes.

CSSKS's primary goal is to see Director Berg cease and desist from his political activities during school board meetings. We would hope he could be convinced to stop slandering and maligning any group (including CSSKS) or any individuals in our community with which he has political differences.

CSSKS believes it is reasonable to request and expect Director Berg to begin setting a proper and more appropriate example of compliance with PDC rules and regulations, especially given his status as a non-partisan elected school board official. At the very least, we hope that you can help facilitate Director Berg to follow the rules and guidelines set down by the PDC regarding his political and lobbying activities.

Sincerely,



David A. Kimble, for:
Citizens Supporting South Kitsap Schools

Contact: csskschools@gmail.com

Links Supporting Allegations

Director Berg's promotion of his website during SKSD Board meeting on May 19, 2021:
<https://youtu.be/9nJ6VFYzsBs>

Director Berg's invitation for his audiences to spy on CSSKS:
<https://docs.google.com/document/d/1tYmSmoIPrl53oeWx-YuTgi0LW3gCI21NP0Qoy9c-hs/edit?usp=sharing>

Director Berg's 'prior' website (where he posted his 70 pg. manifesto):
<https://drive.google.com/file/d/1a0fDgJ5af4HUVpmpHyNKqS6QLRf1XGTH/view?usp=sharing>

Director Berg's 70-page Manifesto:
<https://drive.google.com/file/d/1AQVaO6FuGQGLVRmNzMxz18I66Eyq2aWr/view?usp=sharing>

Director Berg's current and expanded 'educational website': <https://skschools.info/>

Video excerpt from May 19, 2021 SKSD Board Meeting: <https://youtu.be/9nJ6VFYzsBs>

Video of full SKSD Board Meeting held on 5-19-21: <https://youtu.be/0BGDMZ71r6Y>

Link to PDC CSSKS case compliant & dismissal of claims lodged by Gerry Austin of Supporters for South Kitsap Schools: <https://www.pdc.wa.gov/browse/cases/82098>

July 9, 2021

Tabitha Townsend
Compliance Coordinator
360.586.4555 | 360.753.1111

Hello Ms. Townsend,

In response to your request for further evidence regarding allegations against SKSD Board Director J.R. Berg. Please note the evidence was submitted but you need to access the URL's to videos as well as the URL link to the respondent's website to view the evidence. The links to the evidence were labeled for each of the allegations in the complaint already submitted.

In your reply to CSSKS on 7-8-21, you requested the following:

"Documentation of showing that Mr. Berg engaged in lobbying activities that would require him to register as a lobbyist "

Answer: The evidence is contained within the URL, which has video clips already submitted as the evidence you are requesting. All of the allegations being made were committed during a public meeting or meetings as well as work done on his alleged private website he claims to be using for education. He is clearly lobbying for his business during official school district meeting when referring to his private website that he promotes his parliamentary business and qualifications.

In your reply to CSSKS on 7-9-21, you requested the following:

"Documentation showing that Mr. Berg engaged in activity that defines him as a "political committee"

Answer:

The evidence was previously submitted and contained when opening the URL's linking to the respondent's website. Respondent's 'private' website is where the evidence resides. The political activities he is conducting are clearly reflected on his website. His acts of working to be some sort of 'guide' and by monitoring current school board candidates compliance to PDC requirements; taking tallies of who is in compliance; asking questions and expecting responses from all of the candidates for office is clearly the actions of a quasi political action committee but still not registered with PDC as of this date.

In your reply to CSSKS on 7-9-21, you requested the following:

The respondent is clearly lobbying the public to find 'dirt' on CSSKS and turn that 'dirt' into him, this also clearly reflected in compliant submitted with attachment taken from his website. The respondent is 'acting' as a political action committee as evidenced by his behaviors actions noted and documented in attachments and on his website in the complaint as originally submitted that defines the evidence you are requesting.

Sincerely,

A handwritten signature in black ink that reads "David A. Kimble". The signature is written in a cursive, flowing style.

David A. Kimble, for:
Citizens Supporting South Kitstap School District