

STATE OF WASHINGTON PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH RCW 42.17A

Toppenish School District Officials

Respondents.

PDC Case 100637

Report of Investigation

I. BACKGROUND

- 1.1 Toppenish School District No. 202 is a public school district in Toppenish, Washington. It serves the city of Toppenish, the surrounding areas in Yakima County, and members of the nearby Yakima Nation. Its schools include Toppenish High School, Toppenish Middle School, Garfield Elementary School, and Lincoln Elementary School. The District has approximately 4,500 students. Following is a list of individuals contacted or interviewed during the review and investigation of the complaint:
 - John Cerna, Superintendent, Toppenish School District
 - Bonnie Smith, Principal, Toppenish High School and former Director of the Career and Technical Education (CTE) program and Supervisor of the high school print shop
 - Monica Saldivar, Director of the Career and Technical Education (CTE) program and Supervisor of the high school print shop when the Rosa Ortiz campaign signs were printed
 - Cecilia Rios, CTE Administrative Assistant in charge of coordinating printing and billing for the print shop
 - Rosa Ortiz, 2021 Candidate for Toppenish School Board member, whose campaign ordered signs from the print shop
 - Maria Jimenez, spouse of Eligio Jimenez, whose email account was used by Eligio to order the Rosa Ortiz campaign signs
 - Eligio Jimenez, who contacted the high school print shop to order signs for the Rosa Ortiz campaign
 - Shawn Hayden, Graphic Design Instructor, Toppenish High School, who received the request from Eligio Jimenez to print the Rosa Ortiz signs, and who printed the signs
 - Neeland (Neal) Pendlebury, Complainant, Teacher at Toppenish Middle School

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- Mike Romero, Graduation Specialist at Toppenish High School, who Neal Pendlebury alleged contacted Shawn Hayden and asked him to lower the price of the signs after the initial invoice was issued
- 1.2 Rosa Ortiz was defeated by John Ramos (527 to 526 votes) for Director in District 3 of Toppenish School District 202 in the November 2, 2021 general election.
- 1.3 Staff determined it could not resolve this case within 90 days of receipt, and on January 20, 2022 held an Initial Hearing (Case Status Review) pursuant to RCW 42.17A.755 and WACs 390-37-060 and 390-37-071. Superintendent John Cerna represented Toppenish School District Officials at the Initial Hearing and said he was not involved in the high school print shop decision to lower the price for the Rosa Ortiz signs. PDC Executive Director Peter Lavallee presided over the Initial Hearing. PDC Compliance Officer Phil Stutzman attended the Initial Hearing on behalf of the compliance staff. The formal investigation commenced January 20, 2022, the date of the Initial Hearing.

Prior Case

- 1.4 In PDC Case 99943, four complaints were filed with the PDC in October 2021 alleging Toppenish School District officials had allowed campaign signs supporting Clara Jimenez, Rosa Ortiz, and Autumn Torres to be posted on school district property.
- 1.5 John Cerna, Toppenish School District Superintendent, asked PDC staff about the law and said campaign signs have been placed on school district property during every election for years without a complaint being filed. Superintendent Cerna pledged to have the District's facilities workers remove all political signs from District property.
- 1.6 The complaints were dismissed. However, pursuant to WAC 390-37-060(1)(d), PDC staff issued a formal warning concerning the failure of District officials to prohibit and/or remove campaign signs supporting candidates for public office from being placed on school district property.

II. ALLEGATIONS IN COMPLAINT

- 2.1 On November 9, 2021, Complainant Neeland (Neal) Pendlebury, a Toppenish Middle School teacher, filed a complaint alleging Toppenish School District officials violated RCW 42.17A.555 by lowering the price for printing 100 campaign signs by the high school print shop from \$1,200 (\$12 per sign for two-sided color yard signs) to \$600 (\$6 per sign) after Mike Romero, Graduation Specialist for Toppenish High School, told print shop employees to lower the price. The complainant alleged the initial price of \$1,200 for the 100 signs represented the fair market value for the work performed and the lowered price of \$600 resulted in a prohibited use of District facilities to assist the 2021 Rosa Ortiz campaign. (Exhibit 1)
- 2.2 The complaint alleged officials of Toppenish School District (District or School District) used District resources, including the high school's large format printer and employees' paid time, to print 100 signs for Rosa Ortiz's 2021 election campaign for the position of school director in Toppenish School District.

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- 2.3 The complaint alleged 100 campaign signs were ordered on September 8, 2021 by Eligio Jimenez, an employee of the District and volunteer for the Rosa Ortiz campaign. The complaint alleged an invoice for \$1,200 was sent to Eligio Jimenez on September 15, 2021. The complaint alleged the District employee who printed the signs (Shawn Hayden) tried to charge a fair price but was called by District employee Mike Romero after the invoice was issued and told to lower the price. The complaint alleged Shawn Hayden then went to his supervisor (Bonnie Smith) and reported that it was not proper to lower the price, and was told "If they do it for one person they will have to do it for anyone" and the price was lowered from \$1,200 to \$600 by Monica Saldivar. The complaint stated the signs were picked up by Maria Jimenez and distributed around Toppenish including on school district property.
- 2.4 The complaint alleged the \$600 price did not represent a fair price for the signs and alleged Shawn Hayden was on contracted time and submitted an extra timesheet for printing the signs.

II. FINDINGS

- 3.1 According to Neal Pendlebury, the Complainant:
 - The District does not advertise that its printing services are available to the public. Only those who work for the District or know about the District's print shop would know to ask for printing services.
 - Neal Pendlebury is not aware of a District policy concerning use of the District's printers for non-district print orders.
 - Shawn Hayden (the teacher who operates the print shop and instructs students) tries to set a fair price for print work, and normally the print shop does not print for the public. The print shop mostly prints orders for the District and its schools, including school programs, and sends invoices for the work to the appropriate departments.
 - The high school print shop attempted to charge the fair market value for the Rosa Ortiz signs but was pressured to lower the price.
 - The print shop did not print campaign signs in 2021 for any candidates for public office other than Rosa Ortiz.
- 3.2 Neal Pendlebury provided images of cell phone text messages that included the following statements, from most recent to oldest: (Exhibit 2)
 - (Invoice Ninja forwarded to Cecilia Rios on September 15, 2021) "Dear Cecilia Rios, The following client Eligio Jimenez was emailed Invoice 0250 for \$1,200. Regards, The Invoice Ninja Team."
 - (Eligio Jimenez to Shawn Hayden on September 11, 2021) "Thanks Shawn, I'll stop by and pick them up."
 - (Shawn Hayden to Eligio Jimenez on September 10, 2021) "First 20 done. 10 of those are English both sides. Oops!"

- (Eligio Jimenez to Shawn Hayden on September 7, 2021) "Hi Shawn this is Eligio. Can you please make 100 signs 18 X 24 using one side English and one side Spanish. Can you please send me the cost for the signs as this will be private pay. Thank you.
- (Yesica Garcia to Eligio Jimenez July 30, 2021) "Hi Eligio, Attached is the PPT and PDF with the image for Rosa's signs. Feel free to edit."
- 3.3 Staff asked Superintendent John Cerna, the senior District official, the following questions and received the following answers: (Exhibit 3)
 - Does the school district offer printing services for the public? **Answer:** Yes
 - Is there a policy concerning printing services for the public? If so, please provide a copy of the policy. **Answer:** No
 - How are prices set? **Answer:** Price comparison to the private sector,
 - Does the school district charge the fair market value for its work? Answer: Yes
 - What was the fair market value for printing the 100 signs printed for the Rosa Ortiz campaign? **Answer:** \$600
 - Has the school district printed campaign signs prior to the 2021 election? If so, provide details of the work. **Answer:** Not to my knowledge
 - Did the school district print signs for candidates other than Rosa Ortiz in 2021? **Answer:** No
 - What is the name and contact information for the employee who printed the campaign signs for the Rosa Ortiz campaign? **Answer:** Shawn Hayden
 - What is the name and contact information for the supervisor of the employee who printed the signs, who approved lowering the price from \$1,200 to \$600? **Answer:** Monica Saldivar
- 3.4 Staff asked Monica Saldivar, Manager of the Print Shop and the Career & Technical Education (CTE) Program for the District, the following questions and received the following answers: (Exhibit 4)
 - 1. Does the school district offer printing services for the public?
 - 2. If so, how is the public made aware that printing services are available? **Answer:** Question 1-2: Per our conversation, the THS print shop provides print services to the public, however, we do not advertise or compete with outside printing entities. The print shop is for student training purposes to be utilized by our Graphics and Art Design students so they can familiarize themselves with industry equipment.
 - 3. How are prices set? **Answer:** Prices for the 21-22 school year were set based on price comparison with outside sources (Vistaprint and Office Depot) and the cost of supplies.
 - 4. If prices are set below the prices charged by commercial print shops, what is the justification for the lower prices? (e.g. Is the work generally completed by students learning the trade and therefore cannot command a price equal to that of a commercial print shop?) **Answer:** Please see the response to question 2.
 - 5. Does the District have a price list? **Answer:** Yes

- 6. If so, when was it developed? **Answer:** There was a price list for the 20-21sy that was in the process of being revised in May-June of 2021. The final price list was completed by October 1, 2021.
- 7. Was the price list available for use when the Rosa Ortiz signs were printed? **Answer:** The original print coordinator did not return for the 21-22 school year which left Cecilia Rios (CTE Administrative Assistant) in charge of coordinating printing and billing. Cecilia was not aware of the price revisions and referred to the 20-21 price list when creating the original invoice for the R.Ortiz signs.
- 8. Who set the price for the Rosa Ortiz campaign at \$12 per sign?
- 9. How was the \$12 price determined? What was it based on? **Answer:** Questions 8-9: The price was set based on the original THS price of \$6.00 each. The signs were printed front to back resulting in the original charge of \$12.00 per sign.
- 10. Who made the request on behalf of the Rosa Ortiz campaign to have signs printed? **Answer:** The original request was made by Maria and Eligio Jimenez on September 7th, 2021.
- 11. Who was the request made to? **Answer:** Shawn Hayden, THS Teacher received the request on 9/7/2021 via email.
- 12. When were you made aware of the request by the Rosa Ortiz campaign? **Answer:** I was made aware of the order and the pricing issue during a phone conversation with Cecilia on September 15th, 2021.
- 13. Was a price quote of \$12 per sign given before the signs were printed? **Answer:** There was no mention of the total price prior to printing.
- 14. Did Mike Romero or anyone else ask the price of \$12 per sign be reduced?
- 15. If so, who made the request to lower the price and who was the request made to?
- 16. Did the person who set the price at \$12 per sign request guidance from anyone about changing the price?
- 17. How was the adjusted price of \$6 per sign determined?
- 18. Who approved changing the price? **Answer:** Questions 14-18: On September 15th, 2021 I was informed by Cecilia Rios that Mike Romero had contacted both her and Shawn Hayden to inquire on the total cost. At this time, I referred to the 21-22 price list and noted the price difference. As the print shop director, I requested for the invoice to be revised to reflect the updated price for the 21-22 sy \$8.00 (with metal stands) or \$6.00 (no metal stands). The invoice was revised and e-mailed to Maria Jimenez.

Per the email received on September 16th, 2021 by Maria Jimenez, the wire stands were not needed, leaving the final price at \$6.00 per sign.

On September 16th, 2021 we met as a print-shop team and reviewed the price list. Cecilia Rios was assigned to complete the price list for the 21-22 sy by 10/1/2021. This list includes a charge for double-sided printing.

- 19. Who printed the signs and was this person a teacher, student, or someone else? **Answer:** Shawn Hayden, Graphics Teacher, THS
- 20. If a student was not used, why not? **Answer:** It is important to note that the print shop is a new facility and was not fully completed until the end of the 20-21 sy. During this time, students were not on campus due to COVID and did not receive any training. For the current school year (21-22), students are able to work with the small print machines and are in the process of learning the skills needed to work with large printers.
- 21. Who made the decision to not use a student? **Answer:** We do not have students who are trained to use the large print machines.
- 22. If printed by someone other than a student, was the person compensated for their work? (e.g. Did someone turn in time for the work and get paid to do the work?) **Answer:** Mr. Shawn Hayden and Mr. Miguel Jimenez, who are both Graphic and Design instructors, are paid for time worked after school hours as they train and familiarize themselves with the print machines. *Note: There is no relation between Mr. Miguel Jimenez and Mr. and Mrs. Eligio Jimenez.*
- 23. Please provide copies of any records created concerning the order of signs for the Rosa Ortiz campaign, including but not limited to order forms, invoices, evidence of payment, etc. **Answer:** See attached. **(Exhibit 5)**
- 24. Please provide any other insight you have into the transaction of the District's print shop printing signs for the 2021 Rosa Ortiz campaign. Thank you. If you have questions, let me know. **Answer:** There was no intentional wrong-doing per the print shop. It was an error in price which was immediately addressed after it was brought to my attention.

Staff interviewed the following individuals: Cecilia Rios; Monica Saldivar; Rosa Ortiz; Maria Jimenez; Eligio Jimenez; Mike Romero, Shawn Hayden, and Bonnie Smith.

Cecilia Rios Interview - May 19, 2022

- 3.5 Cecilia Rios is employed by the Toppenish School District as a Public Relations Specialist and serves as the Career and Technical Education (CTE) Administrative Secretary. Ms. Rios worked for Bonnie Smith before Ms. Smith became principal of Toppenish High School, at a time when Ms. Smith managed the high school print shop. She said, when Ms. Smith became Principal of Toppenish High School in July 2020, Monica Saldivar became Director of the CTE program, which included managing the high school print shop. Monica Saldivar was Ms. Rios' supervisor when the Rosa Ortiz signs were ordered and printed in September 2021.
- 3.6 According to Ms. Rios, most of the print shop's work is for schools in the District. Typical printing orders are for banners, some yard signs, and on occasion, heat-vinyl transfers. Ms. Rios said most of the printing orders are placed by District employees on behalf of the schools where they work. Ms. Rios said only a few orders have been received from non-school district members of the public. She said during the COVID outbreak (starting in approximately March 2020) a lot of schools in the District ordered signs about COVID

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- testing. Ms. Rios said the request for campaign signs for or from the Rosa Ortiz campaign was an unusual request.
- 3.7 Ms. Rios said one of her co-workers, Eligio Jimenez, ordered the Rosa Ortiz signs by sending an email requesting 100 campaign yard signs. Ms. Rios said she took the order to Sean Hayden, the teacher in charge of the print shop when the order was placed, and from there, "does not know what all happened."
- 3.8 Ms. Rios said she did not discuss the price charged by the Toppenish High School Print Shop for the requested signs with Mr. Jimenez before the signs were printed. She said Eligio told her to "go ahead and get the signs printed" but when she sent him the invoice with the \$12 per sign price "he was not happy."
- 3.9 Ms. Rios said the print shop had an existing price list when Eligio Jimenez ordered the signs for the 2021 Rosa Ortiz campaign. Ms. Rios said the price sheet called for \$6 per yard sign for District employees and \$8 per yard sign for the general public, but did not include an additional price for two-sided signs. Ms. Rios said she charged Mr. Jimenez the established \$6 price because she knew he was a District employee, but increased the price to \$12 per sign because the signs were double-sided and the Print Shop had to print each sign twice, once in English and once in Spanish, with each side taking one hour to print. Ms. Rios said after the print shop delivered the Rosa Ortiz campaign signs, and the signs were paid for, Ms. Saldivar, with input from others, evaluated the print shop's prices and updated its price sheet for the 2021-2022 school year. The new price sheet included a price of \$6 for one-sided yard signs (18 x 24 inches) and \$8 for two-sided yard signs. The new price sheet did not have separate prices for District employees and the public.
- 3.10 Ms. Rios said after the initial invoice was sent to Mr. Jimenez with a price of \$12 per sign, Mike Romero, a District employee, called the print shop and asked why the price was so high. Ms. Rios said Mr. Romero told her he thought they were going to get the rate for District employees because the order was placed by Eligio Jimenez, a District employee. Ms. Rios said she explained to Mr. Romero how the print shop had two rates, one for District employees and one for the public. Ms. Rios said she told Mr. Romero she gave Mr. Jimenez the lower rate for District employees. She said Mr. Romero was not satisfied with her answer and wanted an even lower rate. Ms. Rios said she tried to de-escalate the situation by telling Mr. Romero she was just the middle person in the transaction without the authority to lower the invoiced price. Ms. Rios said she told Mr. Romero she would take his objection to her supervisor, Monica Saldivar.
- 3.11 Ms. Rios said after Mike Romero complained about the price of the signs, she was told by Ms. Saldivar to lower the price from \$12 to \$6 per sign. Ms. Rios said she did not understand Ms. Saldivar's logic in lowering the price. The print shop sent an updated invoice to Mr. Jimenez for \$800, which included \$6 per sign for the signs and \$2 per sign for wire hangers for the signs. She said Mr. Jimenez rejected the wire hangers which resulted in the final price being \$6 per sign for a total cost of \$600 for 100 two-sided signs.
- 3.12 Ms. Rios said the purpose of the print shop is to give students the experience of handling a heat pressing machine and to teach students how a print shop operates. She said due to the

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COVID pandemic, the print shop has been unable to involve students in the printing process, which resulted in Mr. Hayden, the teacher in charge of the print shop, printing the campaign signs ordered by Eligio Jimenez. Ms. Rios stated it was upsetting to still be hearing about this matter because the print shop did not favor one side over another and is equal with everybody.

3.13 Ms. Rios said the public could become aware of the high school print shop's services because the District's website talks about the print shop and what students can have printed. Ms. Rios said Eligio Jimenez did not tell her the yard signs were for the Rosa Ortiz campaign. She said he also did not tell her the signs were to be double-sided. Ms. Rios said she and Mr. Hayden agreed on the initial price of \$12 per sign because the signs were double-sided.

Monica Saldivar Interview - May 20, 2022

- 3.14 Monica Saldivar is the Director of the Career and Technical Education (CTE) program for Toppenish School District. Ms. Saldivar supervises teachers who are certified in Career and Technical Education, which includes the print shop that is operated by Shawn Hayden who runs the Graphics Department at Toppenish High School. Ms. Saldivar also supervises Cecilia Rios who is her Administrative Secretary.
- 3.15 During the 2020-2021 school year, an employee named Lori was getting the print shop up and running and was using an existing price list but was working on a new price list. Ms. Saldivar said the employee named Lori left her position a little early, did not complete a new price list, and did not return for the 2021-2022 school year.
- 3.16 Ms. Saldivar said, at the beginning of the 2021-2022 school year, she had not yet met with Ms. Rios to discuss a new price list Ms. Saldivar was developing. Ms. Saldivar said when Ms. Rios calculated the price for Eligio Jimenez's order, she was using the existing price list Ms. Saldivar was planning to update with a new price list.
- 3.17 Ms. Saldivar said she was working on a new price list because she did not want to deal with potential complaints about charging different prices for the same product to different groups of people (e.g. charging one price for the general public and a lower price for District employees).
- 3.18 Ms. Saldivar said the 2021-2022 price list was finalized after Eligio Jimenez's order was completed and the invoice had been paid. She said the new price list included a price of \$6 for one-sided yard signs and \$8 for two-sided yard signs. She said the new price list applied equally to District employees and the general public. Ms. Saldivar said the new price for two-sided signs was set slightly higher than the price for one-sided signs to cover the additional cost of printing the second side. Ms. Saldivar said the District wanted the print shop to recoup its costs but did not want it to earn a profit or compete with local print shops for business. Ms. Saldivar said the District also wanted to use its print shop to provide opportunities for student learning.
- 3.19 Ms. Saldivar said Ms. Rios knew Eligio Jimenez was a District employee and applied the District employee price without regard to the content of the order. Ms. Saldivar said Ms.

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Rios charged Mr. Jimenez \$12 per sign to cover the additional cost of printing doubled-sided signs.

- 3.20 Ms. Saldivar said when she and Ms. Rios discussed the original invoice, after Mike Romero complained the price was too high, she thought the price of \$12 per sign was a little too high, which is why she looked closer at the existing price sheet and made changes for the following year. Ms. Saldivar said when Ms. Rios charged Mr. Jimenez \$12 per sign, the print shop's price sheet did not include a price for two-sided signs, implying Ms. Rios did not have the authority to double the price even if the signs were double-sided. Ms. Saldivar said she did not become aware of how much additional time it took to print the second side of two-sided signs until after Mr. Jimenez's order was processed and the invoice had been paid. She said the new price list accounted for the additional cost of printing the second side of double-sided yard signs.
- 3.21 When asked why she lowered the price from \$12 to \$6 even though the signs were double-sided, Ms. Saldivar said it was because she did not know the signs were double-sided when she lowered the price and because the existing price sheet did not include an additional charge for double-sided signs. Ms. Saldivar said she did not become aware the signs were double-sided until after the invoice had been changed and paid. She said the discussion about charging extra for double-sided signs occurred much later when the new price list was being finalized and it was decided to charge \$6 for one-sided signs and \$8 for two-sided signs.
- 3.22 Ms. Saldivar said she was working from home, not in the District building, when she instructed Ms. Rios to issue a new invoice for \$6 per sign. Ms. Saldivar said when she directed Ms. Rios to issue the corrected invoice, she was under the mistaken impression the signs were one-sided. Ms. Saldivar said she would have increased the price per sign from \$6 to \$8, the price later included in the new price list for double-sided signs, if she had been aware at the time of her instruction to Ms. Rios that the signs had been printed on two sides.
- 3.23 Ms. Saldivar said the first corrected invoice was for \$8 per sign, totaling \$800, made up of \$6 per sign for the sign itself and \$2 per sign for wire stands. She said Mr. Jimenez did not want the wire stands which resulted in the print shop issuing a second corrected invoice for \$6 per sign, totaling \$600.
- 3.24 Ms. Saldivar said the print shop has a system for placing orders and issuing invoices for completed work projects. Ms. Saldivar said she was reviewing the list of orders and invoices with other print shop personnel and was told there had been a complaint about pricing. Ms. Saldivar said she was told Mike Romero had called the print shop and complained about the \$12 per sign price after the invoice was issued to Mr. Jimenez. Ms. Saldivar said she looked at the invoice for 100 signs at \$12 per sign, totaling \$1,200, looked at the price list, saw what she believed to be an error in pricing, and asked Ms. Rios to issue a corrected invoice based on the \$6 per sign price.
- 3.25 Ms. Saldivar said it was not until a day or two later that "the pieces started to come together." Ms. Saldivar said she questioned why the print shop had accepted an order for

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campaign signs, and was told the order had come from Eligio Jimenez, a District employee, which is why the print shop proceeded with the order.

- 3.26 Ms. Saldivar said she then had the pricing error corrected and a corrected invoice issued to Mr. Jimenez. Ms. Saldivar said she did not speak directly with Eligio Jimenez or Mike Romero, saying, "there was a lot going on in the CTE program at the time, including working with about 45 teachers." Ms. Saldivar said she looked at the issue, talked to Cecilia Rios and Shawn Hayden about it, and asked Ms. Rios to prepare a corrected invoice. Ms. Saldivar said while looking at this matter, she found the other candidate, John Ramos, had inquired about placing an order with the District print shop and was given the same information provided to Mr. Jimenez, but decided to have his printing done elsewhere.
- 3.27 Ms. Saldivar denied the pricing she came up with was influenced in any way by Mike Romero because of who he is or his relationship with Superintendent John Cerna. She said the print shop's pricing is the same for everyone. Ms. Saldivar said she did not have a conversation with Mike Romero or John Cerna about the signs ordered by Mr. Jimenez on behalf of the Rosa Ortiz campaign or about lowering the price for the signs to assist the Rosa Ortiz campaign.
- 3.28 Ms. Saldivar reiterated that Ms. Rios did not tell her the signs were double-sided until after the corrected invoice had been issued and paid. Ms. Saldivar said at that point she did not want to "keep fixing the invoice repeatedly" by issuing a third corrected invoice to account for the signs being double-sided, so she treated the issue as closed.
- 3.29 Ms. Saldivar said the print shop has a system in place and they followed the system. She said when the order came in, it looked like it was from a school district employee and was processed as an order from a District employee. Ms. Saldivar said the print shop had no way to know the order was placed by or on behalf of the Rosa Ortiz campaign until after the work was completed and the invoice had been issued and paid.
- 3.30 Ms. Saldivar said the print shop does not advertise to the public and the prices are the same for District employees and the public.

Rosa Ortiz Interview – May 20, 2022

- 3.31 Rosa Ortiz confirmed she was a candidate for Toppenish School Board in 2021. Ms. Ortiz said she became aware the Toppenish High School print shop would print signs for the public when it was brought up during a meeting she attended of the Toppenish Community Safety Network, a non-profit organization of which she is a member. She said the group is a community-wide organization with several groups and individuals participating. Ms. Ortiz did not identify who at the meeting made her aware of the printing services offered by the Toppenish High School Print Shop but acknowledged Superintendent Mike Cerna and District employee Mike Romero were at the meeting.
- 3.32 Ms. Ortiz said when she ran for school board four years earlier in 2017 she used a private printer in Yakima, but in 2021 decided to keep her campaign funds in Toppenish and decided to use the Toppenish High School print shop.

- 3.33 Ms. Ortiz said she was not aware of the initial price being \$12 per sign and then being reduced to \$6 per sign until she was informed of those facts by the PDC when PDC staff forwarded a copy of the complaint to her. Ms. Ortiz said she did not direct Eligio Jimenez to order campaign signs from the high school print shop, but said Mr. Jimenez is involved with other committees in which she is involved. Ms. Ortiz said she and her friend Yesica Garcia designed the yard signs that were printed by the high school print shop, but said she was not aware Eligio Jimenez had placed an order with the high school print shop to have signs printed. Ms. Ortiz said she "became aware at some point campaign signs had been printed at the high school print shop" and went to the school and paid the \$600 invoice for the signs.
- 3.34 Ms. Ortiz said she was not aware of Mike Romero's efforts to get the price for the signs reduced. Ms. Ortiz said Mike Romero did not volunteer with her 2021 campaign and said she did not know if Eligio Jimenez volunteered for her campaign, other than ordering signs from the high school print shop. Ms. Ortiz said she assumed if Mr. Romero did volunteer, he did so on his own time.

Maria Jimenez Interview – June 15, 2022

- 3.35 Maria Jimenez said she is not employed by the Toppenish School District, but her husband, Eligio Jimenez, is employed by the District as Director of Mediation and Safety.
- 3.36 Ms. Jimenez said her husband used their family email account to order the Rosa Ortiz campaign signs from the Toppenish High School print shop.
- 3.37 Ms. Jimenez said she volunteered for the Rosa Ortiz campaign by putting up and taking down campaign signs.
- 3.38 Ms. Jimenez said she did not know if her husband, Eligio Jimenez, volunteered for the Rosa Ortiz campaign, other than ordering campaign signs from the high school print shop.
- 3.39 Ms. Ortiz said she was unaware her husband had placed an order with the high school print shop for Rosa Ortiz campaign signs until she was made aware of the PDC complaint. Ms. Jimenez said she was unaware of attempts made to have the price for the signs lowered.

Eligio Jimenez Interview – June 15, 2022

- 3.40 Eligio Jimenez is employed by the Toppenish School District as Director of Mediation and Liaison Services and Director of Safety. Mr. Jimenez said he reports directly to Superintendent John Cerna.
- 3.41 Mr. Jimenez said there is a process for placing an order with the high school print shop. He said a request for printing is made through the print shop's website. Mr. Jimenez said he "wanted to say he discussed ordering the signs with Rosa Ortiz before he placed the order" because the decision to order 100 signs would not have been up to him since it was not his campaign. Mr. Jimenez said he believed Ms. Ortiz asked him to place the order with the high school print shop with the understanding she would pay for the signs. Mr. Jimenez said he told Ms. Ortiz he could help her by placing an order for campaign signs.

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- 3.42 Mr. Jimenez said Rosa Ortiz designed the signs but may have received help from someone else. Mr. Jimenez said Rosa Ortiz provided him with a copy of the design for the signs and he attached the design to his online request for the signs.
- 3.43 Mr. Jimenez said his volunteer campaign activities included ordering 100 signs from the Toppenish High School print shop and placing signs with family and friends.
- 3.44 Mr. Jimenez said he did not know if Mike Romero volunteered for the Ortiz campaign.
- 3.45 Mr. Jimenez said when he received the initial print shop invoice, he either forwarded it to Ms. Ortiz or told her the amount she needed to pay but did not give the invoice to Mike Romero. Mr. Jimenez said he received a second invoice with a lower price and again he either forwarded the invoice to Ms. Ortiz or told her the amount she needed to pay.
- 3.46 Mr. Jimenez said he was not aware Mike Romero had called the high school print shop to ask for a lower price. He said all he knows is he received an initial invoice for \$12 per sign, for a total of \$1,200, and then he received a second invoice reducing the price to \$6 per sign, for a total of \$600.

Mike Romero Interview - May 20, 2022

- 3.47 Mike Romero is employed by the Toppenish School District as Graduation Specialist Director. Mr. Romero said he assures all students graduate in a timely manner.
- 3.48 Mr. Romero said Bonnie Smith, Principal of Toppenish High School, is his Supervisor. Mr. Romero said he does a variety of work for the District and sometimes works closely with Superintendent John Cerna.
- 3.49 When asked about his call to the high school print shop questioning the price of the signs, Mr. Romero said it was not him who called the District, saying he "was not involved in the whole situation."
- 3.50 When informed that Cecilia Rios told PDC staff Mr. Romero had called the print shop challenging the initial price for the Rosa Ortiz signs, Mr. Romero said he did not recall speaking with Ms. Rios but said he trusted her memory and acknowledged he may have contacted someone about the cost of the signs.
- 3.51 Mr. Romero said he recalled forwarding an email to Ms. Rios he had received from Eligio Jimenez about the Rosa Ortiz campaign signs. He said the email was an invoice for \$1,200 sent to Mr. Jimenez at his school district email address by Ms. Rios rather than to a private email address and he wanted to inform Mr. Romero about what had happened. Mr. Romero speculated Mr. Jimenez was concerned that the invoice for the campaign signs had been sent to him at his District email address and he forwarded the email to Mr. Romero to make him aware of what had happened. Mr. Romero said he forwarded the email he received from Mr. Jimenez to Ms. Rios without altering it in any way.
- 3.52 Mr. Romero said he did not volunteer for the Rosa Ortiz campaign and did not try to get the price of the signs reduced. Mr. Romero said he did not talk to Mr. Jimenez about the

Toppenish School District Officials, PDC Case 100637 Report of Investigation Page - 13 -

price of the signs and said he was not involved in the decision to have signs printed for Rosa Ortiz, saying "he is not a political kind of guy."

Shawn Hayden Interview - May 26, 2022

- 3.53 Shawn Hayden teaches Graphic Arts and Computer Science at Toppenish High School in the District's Career and Technical Education program. Mr. Hayden said the high school has had a print shop since 2018. He said 2021 was the first year he was in charge of the print shop. Mr. Hayden said Graphic Arts is an introductory level class where students are taught how to use design software. He said the class is project-based learning. Mr. Hayden said he has a background in commercial printing having been a graphic designer for a marketing company. He said he draws from his experience to give students real-world style projects and said sometimes the projects are real-world projects. Mr. Hayden said the purpose of the Graphic Arts program is to give students exposure to a career in graphic arts. He said the District added the print shop to give students actual on-the-job experience in a real print shop setting.
- 3.54 Mr. Hayden said the print shop began when the District obtained a large format printer capable of producing banners and flat media, like corrugated plastic signs. He said the large format printer can even print on wood, such as the wood used to construct a corn-hole game. Mr. Hayden said the large format printer can print on anything up to a maximum size of four-feet by eight-feet sheet. He said the large format printer is similar to what would be found in a commercial business offering digital printing services. Mr. Hayden said most of the print shop's work is for schools in the District, with a few exceptions for outside requests from the public.
- 3.55 Mr. Hayden said it is not typical for the Print Shop to receive a request from a political campaign. He said his personal preference is to not accept orders from candidates for public office or political committees. Mr. Hayden said he felt uncomfortable printing the signs for the Rosa Ortiz campaign but treated it like any other order. He said the print shop does not advertise, which is why the public is generally not aware of its services. Mr. Hayden said, although the print shop is briefly mentioned on the District's website, most people hear about the print shop's services from other people.
- 3.56 Mr. Hayden said he was in charge of the print shop when the Rosa Ortiz campaign signs were printed. He said his supervisor at the time was Monica Saldivar whose first year managing the print shop was 2021. He said Bonnie Smith, the principal of Toppenish High School, supervised the print shop before Ms. Saldivar but turned the supervisory responsibility over to Ms. Saldivar in 2021 to concentrate on her duties as principal of Toppenish High School.
- 3.57 Mr. Hayden said the print shop received the request for campaign signs by email from Eligio Jimenez in September 2021 to print 100 double-sided yard signs supporting the 2021 Rosa Ortiz campaign for school board. He said the signs had different artwork for each side, with one side printed in English and the other side printed in Spanish. Mr. Hayden said it takes one hour to print each side of a sign. He said Mr. Jimenez placed the order using his

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wife's email address. Mr. Hayden said he knows Eligio Jimenez as a fellow District employee.

- 3.58 Mr. Hayden said it is the goal of the print shop to teach students how to use the large format printer and to involve students in completing print orders. He said because of the COVID pandemic, students were not on campus or otherwise available for in-person training when the signs were ordered in September 2021, which is why Mr. Hayden printed the signs for Mr. Jimenez. Mr. Hayden said he started printing the signs soon after receiving the order because it was a large, time-consuming order and Mr. Jimenez wanted the signs in the near future.
- 3.59 Mr. Hayden said the print shop's goal is to recoup its costs, not to make a profit. Mr. Hayden said the print shop's prices are based on the cost of materials and ink, and the size of the item being printed. He said the price sheet called for \$6 per yard sign, but because the order asked for double-sided signs with different artwork for each side, English on one side and Spanish on the other side, the price of \$12 per sign did not seem unreasonable to him.
- 3.60 Mr. Hayden said he sent out the \$1,200 invoice to Eligio Jimenez and within two minutes Mike Romero called him using the District's phone system trying to get the price lowered. Mr. Hayden said he was alerted to the call while attending a meeting when the school put out an "all call" over the intercom system, which he said, "never happens," asking him to return to his office to return a call to an extension number he did not immediately recognize. Mr. Hayden said, when he returned the call, it was Mike Romero, who said something to the effect of, "This price isn't going to work." Mr. Hayden said he felt like Mr. Romero was telling him what the price was going to be, which concerned him. Mr. Hayden said he told Mr. Romero the price on the invoice was generated by the billing system for the work ordered and was out of his control. Mr. Hayden said he told Mr. Romero he was "just the guy printing the signs" and directed him to Cecilia Rios if he wanted further clarification.
- 3.61 Mr. Hayden said he did not feel pressured to lower the price but given how quickly Mr. Romero called after the invoice was issued, and the nature of their conversation, he felt the intent of the call was to get the price of the signs to go down.
- 3.62 Mr. Hayden said the interaction with Mr. Romero was "just another odd thing" about the print order, and made him think, "Okay, well, what price should it be?" Mr. Hayden said, after the phone conversation with Mike Romero, he found Bonnie Smith, explained what was going on, and asked, "What do we charge? Do we have a lower rate for certain people?" Mr. Hayden said Bonnie Smith told him she would talk to Monica Saldivar about the original pricing and the request to have the price reduced.
- 3.63 Mr. Hayden said the main crux of his conversation with Bonnie Smith consisted of him airing his grievances about printing campaign material in the District print shop. He said it felt like a conflict of interest and asked Ms. Smith why the print shop was accepting political print jobs. Mr. Hayden confirmed Bonnie Smith told him, "If they do it for one person, they will have to do it for anyone," which he understood to mean, if the print shop gives a lower price for one person they will have to give the same lower price to everyone in the future.

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- 3.64 Mr. Hayden said the print shop invested a lot of time and work in completing the order for the 100 double-sided signs and he felt to lower the price after the work was done and the invoice was issued cheapened the work. He said the pushback about pricing made the pricing structure a priority and exposed some of the shortcomings in their pricing system. He said the backlash about pricing resulted in the print shop reviewing all of its prices and developing a new price sheet for the 2021-2022 school year.
- 3.65 Mr. Hayden said he was very involved in developing the new price list for the 2021-2022 school year. He said after a lot of discussion, they decided to charge \$6 for one-sided yard signs and \$8 for two-sided signs. He said limiting the increase to \$2 for the second side was appropriate because the customer was not receiving additional material, just additional printing on the back side of the existing material. Mr. Hayden said the new \$8 price for double-sided signs was not set to justify lowering the price of the Ortiz signs. He said he thought their original price probably was too high.
- 3.66 Mr. Hayden said the backlash from initially charging the Ortiz campaign \$12 per sign made the print shop take a close look at all of its prices for printing services and "come up with numbers that are solid for everyone." He said while the backlash was a catalyst for reviewing and ultimately creating a new price sheet for the 2021-2022 school year, the new price sheet was not a reaction to the backlash or to justify the price reduction for the Ortiz campaign signs.
- 3.67 Mr. Hayden said the pricing is stable and under control now and the print shop is approaching sustainability.
- 3.68 Mr. Hayden said he did not know who made the decision to lower the price from \$12 to \$6 per sign for Mr. Jimenez's yard sign order but was told by Cecilia Rios to lower the price to \$6 per sign. He said the decision was probably made by Monica Saldivar or Bonnie Smith. Mr. Hayden said the new price sheet for the 2021-2022 school year added \$2 to the price when the signs were double-sided. He said the additional \$2 for double-sided signs was added to cover the increased cost of printing the second side. Mr. Hayden said he feels the new price of \$6 for one-sided yard signs and \$8 for two-sided yard signs are fair prices. Mr. Hayden said he did not know why the final invoice did not include an amount for printing on the second side but noted the new price sheet was not developed until after the invoice for the Ortiz signs was paid.
- 3.69 When asked why he printed the signs instead of students, Mr. Hayden said if there had been students on campus when the signs were ordered, students definitely would have done the work, but because no students were available, it was his responsibility to print the signs.
- 3.70 Mr. Hayden said he felt the authorization for him to print the order submitted by Mr. Jimenez was implied.

Bonnie Smith Interview – June 22, 2022

3.71 Bonnie Smith said she has been the principal of Toppenish High School since July 1, 2020 and served as Director of the Career and Technical Education (CTE) program for five years before being appointed principal of the high school. Ms. Smith said Monica Saldivar

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became the CTE Director in July 2020 at the same time Ms. Smith became principal of Toppenish High School. Ms. Smith said she had dual responsibilities for a short time while serving as principal and CTE Director and served as a mentor to Ms. Saldivar when she had questions about the CTE program.

- 3.72 Ms. Smith said she was not aware of Eligio Jimenez's order for Rosa Ortiz campaign signs until the work was completed and the invoices were issued. Ms. Smith said she saw the Rosa Ortiz campaign signs for the first time when they were placed on the main office counter waiting to be picked up by the campaign. Ms. Smith confirmed she was not managing or directing the print shop office in September 2021 when the campaign signs were ordered and printed. She said Monica Saldivar was managing the print shop in September 2021.
- 3.73 Ms. Smith said the purpose of the print shop is to teach students how to design and print commercial-type print jobs. She said the school is trying to develop a print shop model that is student-developed and student-produced. Ms. Smith confirmed nearly all, probably 95 percent, of the orders placed with the print shop are for the printing needs of the schools in the District.
- 3.74 Ms. Smith said as principal she likes to know what is going on in the school and said Ms. Saldivar made her aware of Mike Romero's effort to get the price of the Ortiz campaign signs lowered by calling Shawn Hayden and Cecilia Rios in the print shop shortly after the print shop sent the original invoice to Eligio Jimenez. She said Ms. Saldivar wanted to get her perspective as a mentor about the matter. Ms. Smith said she remembered having a discussion with Ms. Saldivar about the prices being charged by the print shop.
- 3.75 Ms. Smith also confirmed Sean Hayden came to her with concerns about lowering the price for the Rosa Ortiz signs after receiving a call from Mike Romero trying to get the price reduced. Ms. Smith said she told Mr. Hayden, "If they do it for one person, they will have to do it for anyone."
- 3.76 Ms. Smith stated she had no knowledge concerning whether Superintendent John Cerna was involved in trying to get the price of the Rosa Ortiz campaign signs lowered.
- 3.77 Ms. Smith confirmed Monica Saldivar made the decision to lower the price from \$12 to \$6 per sign. Ms. Smith said Ms. Saldivar was careful to evaluate what the prices should be when she developed the price list for the 2021-2022 school year.

III. SCOPE

4.1 PDC staff reviewed the complaint from Neal Pendlebury and the responses submitted on behalf of District officials by Superintendent John Cerna and Monica Saldivar, Director of the Career and Technical Education (CTE) program and Supervisor of the high school print shop. In addition, staff spoke with John Cerna and Neal Pendlebury and interviewed: Cecilia Rios; Monica Saldivar; Rosa Ortiz; Maria Jimenez; Eligio Jimenez; Mike Romero, Shawn Hayden, and Bonnie Smith.

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IV. LAW

RCW 42.17A.555 states, in part: "No elective official nor any employee of his or her office nor any 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 or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities: ... (3) Activities which are part of the normal and regular conduct of the office or agency."

WAC 390-05-271(2) states that RCW 42.17A.555 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

WAC 390-05-273 defines the "normal and regular conduct" of a public office or agency as "conduct which is (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."

Respectfully submitted this 14th day of December 2022.

Electronically Signed Philip E. Stutzman

Philip E. Stutzman Compliance Officer

EXHIBIT LIST

Exhibit 1	Complaint filed November 9, 2021 by Neal Pendlebury
Exhibit 2	Information from Neal Pendlebury
Exhibit 3	Information from John Cerna
Exhibit 4	Information from Monica Saldivar
Exhibit 5	Print Shop Price Sheets and Documentation of Correspondence

Respondent Names

Toppenish School District

Complainant Name

Neeland Pendlebury

Complaint Description

Neeland G Pendlebury

(Tue, 9 Nov 2021 at 6:51 AM)

RCW_42.17A.550

Use of public funds for political purposes.

<u>Public funds</u>, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state or school district office.

RCW 42.52.180

Use of public resources for political campaigns.

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

Toppenish School District used school resources and school district employees' paid time to support Rosa Ortiz's campaign for the school board.

The high school used their large format printer to print 100 political signs for Rosa Ortiz, these signs were to be paid for by Eligio Jimenez

(https://www.pdc.wa.gov/browse/cases/80241, https://www.pdc.wa.gov/browse/cases/10056, https://www.pdc.wa.gov/browse/cases/16-271). The order to print the signs was delivered to the employee on Sept 8th, then the \$1200 bill was sent on Sept 15th. When the printing was done the school employee tried to charge a fair price of \$1200, but they were called by another district employee (Mike Romero, who while he was being paid by the district acted for Ortiz's benefit) and told to lower the price. At this point the employee printing the signs went to his supervisor to report that this was not proper, but was told that "If they do it for one person they will have to do it for anyone", and the price of the signs was lowered to \$600 for 100 signs. This amount paid for the signs and given to her exceeds the \$500 limit Roza Ortiz can accept since she filed the C1 form for simple reporting. The signs were picked up by Maria Jimenez and then distributed around town, and some were placed on school

property(<u>https://www.pdc.wa.gov/browse/cases/99943</u>). The \$600 does not represent a fair price and the school district employee was on contracted time and extra time-sheet time when printing the signs.

What impact does the alleged violation(s) have on the public?

It creates the impression that the school district supports one candidate over their opponent and also gives Roza Ortiz an unfair advantage since she had the school printers and district employees available for her campaign. The contribution to her campaign also exceeded the \$500 limit she claimed by filing a C1 form for financial disclosure. With the vote totals on 10-9-21 only being 4 votes apart this advantage may have affected the outcome.

List of attached evidence or contact information where evidence may be found

I can be reached for copies of the emails and contacts who were involved.

List of potential witnesses with contact information to reach them

I can be reached for copies of the emails and contacts who were involved.

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.

Here are the responses to the questions you asked for in the original email, along with pictures of the email exchanges that occurred with Shawn Hayden concerning the order and pricing of the signs. Shawn Hayden can be reached at 509-834-8404

John Ramos (the candidate that won the election) can be reached at 509-426-8091. He has the invoices for his signs showing what was being charged by a local business.

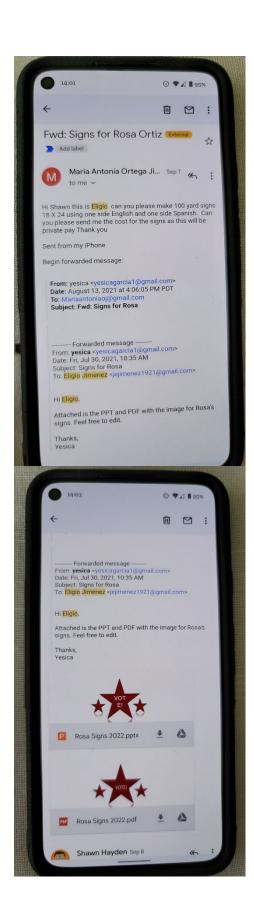
- 1. Does the school district offer printing services for the public?
- The district does not advertise that they have printing services available to the public, only those who work for the district or know about the printers would know to ask to have things printed up.
- 2. Is there a policy concerning printing services for the public? *Not that I am aware of.*
- 3. How are prices set?

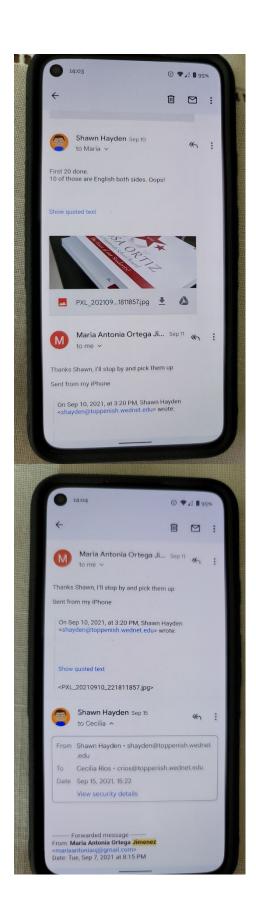
Talking with Shawn Hayden- he tries to set a fair price, normally they do not print for the public, they print materials for the schools and school programs and bill the departments.

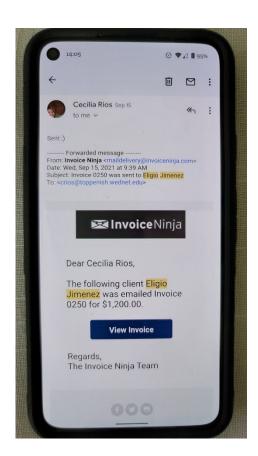
- 4. Does the school district charge the fair market value for its work? In this case, they attempted to but were pressured to lower the price. John Ramos had his signs printed at Eagle Press in Yakima, I called them and asked for the price for 100 signs, two-sided two-color, and was quoted \$950. This price did not include modifying the design as Shawn needed to do for the signs he printed.
- 3. Has the school district printed campaign signs prior to the 2021 election? We don't know, Shawn has only been in charge of the printer for the last year, previously Cody Kallenberger was in charge of the printer.
- 4. Did the school district print signs for candidates other than Rosa Ortiz in 2021? Shawn did not print any other political signs this year.

Questions for Eligio Jimenez:

- 1. Who asked you to order signs for Rosa Ortiz from the High School Print Shop?
- 2. What were you told to do?
- 3. Did you work for or volunteer for the Rosa Ortiz campaign?
- 4. Did the person who asked you to order the signs work for or volunteer for the Ortiz campaign?
- 5. How did you or the person who asked you to order the signs know the High School Print Shop would print signs for the campaign?
- 6. Did the campaign have a budget for the signs? What was the budget for the signs?







If there are other questions or information you need please call me at 509-941-6613.

Thanks, Neal Pendlebury

Phil Stutzman

replied
Wed, 12 Jan 2022 at 4:26 PM
To:jcerna@toppenish.wednet.edu
Cc:kim.bradford@pdc.wa.gov

John Cerna,

I am following up on a complaint sent to you on 11/9/2021, requesting a written response to the allegations within 14 days, or no later than **November 23, 2021**. To date we have received no response from you. This case is separate from Case 99943, closed 1/2/2022 with a formal written warning concerning the placement of campaign signs on school district property.

This complaint, Case 100637, alleges District employees used the high school's large format printer to print 100 campaign signs for Rosa Ortiz, a 2021 candidate for Toppenish School Board, and sent a bill for the fair market value of the work totaling \$1,200, a cost of \$12 per sign. The complaint alleged Mike Romero, also a school district employee, called the first employee telling the first employee to lower the price to \$600, a cost of \$6 per sign. The complaint alleged the first employee who completed the work went to the employee's supervisor and said it was not right to lower the price, but was told by the supervisor, "If they do it for one person they will have to do it for anyone" and the price was lowered to \$600.

It is a violation of RCW 42.17A.555 to use District facilities to assist the campaign of a candidate for public office. Please provide a written response to these allegations immediately. As part of your response, please answer the following questions:

- 1. Does the school district offer printing services for the public?
- 2. Is there a policy concerning printing services for the public? If so, please provide a copy of the policy.
- 3. How are prices set?
- 4. Does the school district charge the fair market value for its work?
- 5. What was the fair market value for printing the 100 signs printed for the Rosa Ortiz campaign?
- 6. Has the school district printed campaign signs prior to the 2021 election? If so, provide details of the work.
- 7. Did the school district print signs for candidates other than Rosa Ortiz in 2021?
- 8. What is the name and contact information for the employee who printed the campaign signs for the Rosa Ortiz campaign?
- 9. What is the name and contact information for the supervisor of the employee who printed the signs, who approved lowering the price from \$1,200 to \$600?

PDC staff is required to resolve complaints following an initial review/investigation within 90 days of receipt of a complaint. If that cannot be done, an Initial Hearing (Case Status Review) must be held by the Executive Director and a formal investigation opened. The 90 days for this case expires February 7, 2022, which is 27 days from today. Because we have received no response to the allegations and may not be able to resolve these issues by February 7, we may need to Schedule an Initial Hearing (Case Status Review) and open a formal investigation. If we decide to schedule an Initial Hearing for next week, I will let you know.

Please provide a written response to the allegations in the complaint, providing as much information as possible and the requested information. I am attaching an additional copy of the complaint for your review. Thank you.

Phil Stutzman Compliance Officer (360) 664-8853

John Cerna

replied

Thu, 13 Jan 2022 at 2:28 PM
To:"PDC Support" <pdc@pdc.wa.gov>

External Email

Dear Mr. Stituman,

To my knowledge Mr. Mke Romero was not involved in any of the transactions. I will answer your questions to the best of my abilities

- 1. Yes
- 2. No
- 3. Price comparison to the private sector
- 4. Yes
- 5. \$600
- 6. Not to my knowledge
- 7. No
- 8. Shawn Hayden
- 9. Monica Saldivar

If you have any other questions feel free to contact me.

Sincerely,

John M. Cerna, Superintendent

MONICA SALDIVAR

replied

Thu, 10 Mar 2022 at 11:20 AM
To:"PDC Support" <pdc@pdc.wa.gov>
Cc:kim.bradford@pdc.wa.gov, jcerna@toppenish.wednet.edu

External Email

Good morning Phil,

Please see my response below and the attached documents as requested.

Thank you!

- 1. Does the school district offer printing services for the public?
- 2. If so, how is the public made aware that printing services are available?

Question 1-2: Per our conversation, the THS print shop provides print services to the public, however, we do not advertise or compete with outside printing entities. The print shop is for student training purposes to be utilized by our Graphics and Art Design students so they can familiarize themselves with industry equipment.

3. How are prices set?

Prices for the 21-22 school year were set based on price comparison with outside sources (Vistaprint and Office Depot) and the cost of supplies.

- 4. If prices are set below the prices charged by commercial print shops, what is the justification for the lower prices? (e.g. Is the work generally completed by students learning the trade and therefore cannot command a price equal to that of a commercial print shop?)

 Please see the response to question 2.
- 5. Does the District have a price list?
 Yes
- 6. If so, when was it developed?

There was a price list for the 20-21sy that was in the process of being revised in May-June of 2021. The final price list was completed by October 1, 2021.

- 7. Was the price list available for use when the Rosa Ortiz signs were printed? The original print coordinator did not return for the 21-22 school year which left Cecilia Rios (CTE Administrative Assistant) in charge of coordinating printing and billing. Cecilia was not aware of the price revisions and referred to the 20-21 price list when creating the original invoice for the R.Ortiz signs.
- 8. Who set the price for the Rosa Ortiz campaign at \$12 per sign?
- 9. How was the \$12 price determined? What was it based on? Questions 8-9: The price was set based on the original THS price of \$6.00 each. The signs were printed front to back resulting in the original charge of \$12.00 per sign.
- 10. Who made the request on behalf of the Rosa Ortiz campaign to have signs printed? The original request was made by Maria and Eligio Jimenez on September 7th, 2021.
- 11. Who was the request made to?

Shawn Hayden, THS Teacher received the request on 9/7/2021 via email.

12. When were you made aware of the request by the Rosa Ortiz campaign? I was made aware of the order and the pricing issue during a phone conversation with Cecilia on September 15th, 2021.

- 13. Was a price quote of \$12 per sign given before the signs were printed? There was no mention of the total price prior to printing.
- 14. Did Mike Romero or anyone else ask the price of \$12 per sign be reduced?
- 15. If so, who made the request to lower the price and who was the request made to?
- 16. Did the person who set the price at \$12 per sign request guidance from anyone about changing the price?
- 17. How was the adjusted price of \$6 per sign determined?
- 18. Who approved changing the price?

Questions 14-18: On September 15th, 2021 I was informed by Cecilia Rios that Mike Romero had contacted both her and Shawn Hayden to inquire on the total cost. At this time, I referred to the 21-22 price list and noted the price difference. As the print shop director, I requested for the invoice to be revised to reflect the updated price for the 21-22 sy \$8.00 (with metal stands) or \$6.00 (no metal stands). The invoice was revised and e-mailed to Maria Jimenez.

Per the email received on September 16th, 2021 by Maria Jimenez, the wire stands were not needed, leaving the final price at \$6.00 per sign.

On September 16th, 2021 we met as a print-shop team and reviewed the price list. Cecilia Rios was assigned to complete the price list for the 21-22 sy by 10/1/2021. This list includes a charge for double-sided printing.

- 19. Who printed the signs and was this person a teacher, student, or someone else? Shawn Hayden, Graphics Teacher, THS
- 20. If a student was not used, why not?

It is important to note that the print shop is a new facility and was not fully completed until the end of the 20-21 sy. During this time, students were not on campus due to COVID and did not receive any training. For the current school year (21-22), students are able to work with the small print machines and are in the process of learning the skills needed to work with large printers.

21. Who made the decision to not use a student?

We do not have students who are trained to use the large print machines.

- 22. If printed by someone other than a student, was the person compensated for their work? (e.g. Did someone turn in time for the work and get paid to do the work?)
- Mr. Shawn Hayden and Mr. Miguel Jimenez, who are both Graphic and Design instructors, are paid for time worked after school hours as they train and familiarize themselves with the print machines. *Note: There is no relation between Mr. Miguel Jimenez and Mr. and Mrs. Eligio Jimenez.*
- 23. Please provide copies of any records created concerning the order of signs for the Rosa Ortiz campaign, including but not limited to order forms, invoices, evidence of payment, etc. See attached.

Please provide any other insight you have into the transaction of the District's print shop printing signs for the 2021 Rosa Ortiz campaign. Thank you. If you have questions, let me know.

There was no intentional wrong-doing per the print shop. It was an error in price which was immediately addressed after it was brought to my attention.

Categories / Items	Office Depot	Sign Outfitters	THS Printshop Price
Custom	Yard Signs		
Yard sign (18"x24") One Sided	\$13.99	\$14.95	\$6.00
Yard sign (18"x24") Double Sided	\$21.99	\$14.95	\$8.00
Wire Yard Sign Stands	\$1.50	\$1.00	\$2.00
Custom Banners (Horizontal/V	ertical)	
Premium Vinyl Banners (Horizontal/Vertical 4ftx6ft) w/ grommets and hemmed edges	\$144.00	N/A	\$120.00
Premium Vinyl Banners (Horizontal/Vertical 3ftx5ft) w/ grommets and hemmed edges	\$90.00		\$75.00
Mesh Banners (Horizontal/Vertical 4ftx8ft)	N/A	\$92.81	\$160.00
Bindery (Add	itional Option	<u>15)</u>	
Grommets	\$7.00	\$2.80	\$0.25 per grommet
Hemmed Edges	N/A	N/A	\$0.20 per foot (perimeter)
Wire Stands	\$1.50	\$2.00	\$2.00
Packaging	N/A	N/A	NO CHARGE
Trim/Scoring	N/A	N/A	NO CHARGE
Custo	m Flyers		
8.5"x11"	\$1.00	\$24.00	\$0.50
11"x17"	\$4.80	\$6.00	\$2.00
Die-Cut / Sticke	rs (Minimum	of 25)	
Print/Cut Per Square Foot			\$4.00
Custor	n Posters		
18"x24" (best for Work Sites & Office)	\$14.99	\$12.00	\$10.00
24"x36" (Best for Classrooms)	\$27.99	N/A	\$20.00
48"x36" (Presentations & Sidewalk display)	\$42.99	\$33.90	\$30.00
Pape	r Prints		
Butcher Paper	1 111112		\$1 square foot
Heavyweight Paper			\$3 sqare foot

To place your orders please visit:

"bit.ly/thsprintshop">bit.ly/thsprintshop
(Please note we need at least a
"bit.ly/thsprintshop">2-WEEK NOTICE for all printing jobs. Thank you!)



Vistaprint Price	THS UPDATED (5/8/20) Printshop Price	DISTRICT PRICING		Printshop Cost			Add to Lis	st??
				Item	Cost			
\$ 21.56	\$ 8.00	\$ 6.00		lnk (mi)	0.25\$			
\$ 3.00	\$ 2.00			Scrim (banner material)	0.72\$ per Sq Ft.			
]	Window Perf	1.10\$ per Sq Ft.			
]	IO Paper	0.66\$ per Sq Ft.			
\$ 92.81	\$ 45.00]	Vacubond	0.08\$ per Sq Ft.			
\$ 92.81	\$ 45.00]		- Children Children			
\$ 52.00	\$ 35.00]	Foam Board	32.00\$ Full Board			
\$ 7.00	\$ 1.00		1	Sticker Vlnyl	1.00\$ per Sq Ft.	1		
]	Coroplast Yard Sign	\$1.50 Each	1		
			1	Wire Stand	\$1.10 Each	1		
\$ 11.67				Grommets	0.10\$ Each			
\$ 17.50]	Mesh w/ Liner	0.72\$ per Sq Ft	1		
\$ 37.50]		\$10.00	1		
\$ 46.67				Service Fee (Applies to every print)				
			Yard S	Sign (18"x24")		100		
\$ 24.00						CC Fee		Total
\$ 30.00						3%	Taxes 7.9%	
4			1	\$ 1,75	\$ 5.44	\$ 0.22	\$ 0.59	\$ 8.00
+			Wira	tand				_
			wine.	-				Total
\$ 00.40	0.85\$ per sticker		1	Cost	Labor Fee		Tayon 7.09	lotai
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Shawn Hayden <shayden@toppenish.wednet.edu>

Fwd: Signs for Rosa Ortiz

5 messages

Maria Antonia Ortega Jimenez <mariaantoniaoj@gmail.com>

Tue, Sep 7, 2021 at 8:15 PM

To: shayden@toppenish.wednet.edu

Hi Shawn this is Eligio can you please make 100 yard signs 18 X 24 using one side English and one side Spanish. Can you please send me the cost for the signs as this will be private pay Thank you

Sent from my iPhone

Begin forwarded message:

From: yesica <yesicagarcia1@gmail.com> Date: August 13, 2021 at 4:06:05 PM PDT

To: Mariaantoniaoj@gmail.com Subject: Fwd: Signs for Rosa

----- Forwarded message ------From: yesica <yesicagarcia1@gmail.com>

Date: Fri, Jul 30, 2021, 10:35 AM

Subject: Signs for Rosa

To: Eligio Jimenez <jejimenez1921@gmail.com>

Hi Eligio,

Attached is the PPT and PDF with the image for Rosa's signs. Feel free to edit.

Thanks, Yesica

2 attachments



Rosa Signs 2022.pptx 1463K



Rosa Signs 2022.pdf 158K

Shawn Hayden <shayden@toppenish.wednet.edu>

Wed, Sep 8, 2021 at 7:22 AM

To: "@printshop" <shawnhayden3+z774ugg3kzn5tmf435ri@boards.trello.com>

[Quoted text hidden]

2 attachments



🙉 Rosa Signs 2022.pptx



Rosa Signs 2022.pdf 158K

Shawn Hayden <shayden@toppenish.wednet.edu>

Fri, Sep 10, 2021 at 3:20 PM

To: Maria Antonia Ortega Jimenez <mariaantoniaoj@gmail.com>

First 20 done. 10 of those are English both sides. Oops!

[Quoted text hidden]



PXL_20210910_221811857.jpg 4129K

Maria Antonia Ortega Jimenez <mariaantoniaoj@gmail.com> To: Shawn Hayden <shayden@toppenish.wednet.edu>

Sat, Sep 11, 2021 at 9:25 AM

Thanks Shawn, I'll stop by and pick them up

Sent from my iPhone

On Sep 10, 2021, at 3:20 PM, Shawn Hayden <shayden@toppenish.wednet.edu> wrote:

[Quoted text hidden] <PXL_20210910_221811857.jpg>

Shawn Hayden <shayden@toppenish.wednet.edu> To: Cecilia Rios <crios@toppenish.wednet.edu>

Wed, Sep 15, 2021 at 3:22 PM

-- Forwarded message -----

From: Maria Antonia Ortega Jimenez <mariaantoniaoj@gmail.com>

Date: Tue, Sep 7, 2021 at 8:15 PM

[Quoted text hidden] [Quoted text hidden]

2 attachments



Rosa Signs 2022.pptx 1463K



Rosa Signs 2022.pdf

158K



Shawn Hayden <shayden@toppenish.wednet.edu>

Invoice 0250 was sent to Eligio Jimenez

1 message

Invoice Ninja <maildelivery@invoiceninja.com> Reply-To: maildelivery@invoiceninja.com To: shayden@toppenish.wednet.edu

Wed, Sep 15, 2021 at 9:39 AM

Dear THS Printshop,

The following client Eligio Jimenez was emailed Invoice 0250 for \$1,200.00.

View Invoice

Regards, The Invoice Ninja Team

© 2021 Invoice Ninja **EMAIL PREFERENCES**

Activity

Invoices

Payments

Credits

Eligio Jimenez (https://app.invoiceninja.com/clients/20) viewed invoice 0250 (https://app.invoiceninja.com/invoices/250) for Eligio Jimenez (https://app.invoiceninja.com/clients/20) System emailed invoice 0250 (https://app.invoiceninja.com/invoices/250) for Eligio Jimenez (https://app.invoiceninja.com/clients/20) System emailed invoice 0250 (https://app.invoiceninja.com/clients/20) to Eligio Jimenez (https://app.invoiceninja.com/clients/20) Eligio Jimenez (https://app.invoiceninja.com/clients/20) viewed invoice 0039 (https://app.invoiceninja.com/clients/20) System emailed invoice 0039 (https://app.invoiceninja.com/clients/20) System emailed invoice 0039 (https://app.invoiceninja.com/clients/20) for Eligio Jimenez (https://app.invoiceninja.com/clients/20)	Date	Message	Balance	Adjustment
June 17, 2019 1:13 pm Eligio Jimenez (https://app.invoiceninja.com/clients/20) viewed invoice 0039 (https://app.invoiceninja.com/invoices/39) for Eligio Jimenez (https://app.invoiceninja.com/clients/20) System emailed invoice 0039 (https://app.invoiceninja.com/invoices/39) for Eligio Jimenez System emailed invoice 0039 (https://app.invoiceninja.com/invoices/39) for Eligio Jimenez	September 15, 2021 3:05 pm	(https://app.invoiceninja.com/clients/20) viewed invoice 0250 (https://app.invoiceninja.com/invoices/2 for Eligio Jimenez	A4 070 F0	My or
June 17, 2019 1:13 pm (https://app.invoiceninja.com/clients/20) viewed invoice 0039 (https://app.invoiceninja.com/invoices/39) for Eligio Jimenez (https://app.invoiceninja.com/clients/20) System emailed invoice 0039 (https://app.invoiceninja.com/invoices/39) for Eligio Jimenez	September 15, 2021 12:39 pm	(https://app.invoiceninja.com/invoices/2 for Eligio Jimenez (https://app.invoiceninja.com/clients/20) to Eligio Jimenez	50) \$1,272.58	X. W.
(https://app.invoiceninja.com/invoices/39) for Fligio Jimenez	June 17, 2019 1:13 pm 🔮	(https://app.invoiceninja.com/clients/20) viewed invoice 0039 (https://app.invoiceninja.com/invoices/3 for Eligio Jimenez	9) \$72.58	
to Eligio Jimenez (https://app.invoiceninja.com/clients/20) (https://app.invoiceninja.com/clients/20)	June 17, 2019 11:30 am	(https://app.invoiceninja.com/invoices/3 for Eligio Jimenez (https://app.invoiceninja.com/clients/20) to Eligio Jimenez	\$72.58	



Shawn Hayden <shayden@toppenish.wednet.edu>

THS Printshop Invoice 250

1 message

Cecilia Rios <crios@toppenish.wednet.edu>

Wed, Sep 15, 2021 at 3:55 PM

To: mariaantoniaoj@gmail.com

Cc: MONICA SALDIVAR <msaldivar@toppenish.wednet.edu>, Shawn Hayden <shayden@toppenish.wednet.edu>

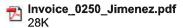
Please see the updated invoice attached.

If you have any questions please let us know.

Thank you!

Cecilia Salguero Rios

Public Relations Specialist / CTE Admin Assistant (509) 865-8127 Toppenish School District





THS Printshop bit.ly/thsprintshop printshop@toppenish.wednet.edu 509-865-1256 141 Ward Rd Toppenish, WA 98948 United States

INVOICE

Invoice Number

0250

Eligio Jimenez

Invoice Date

Sep 15, 2021

Balance Due \$800.00

jejimenez@toppenish.wednet.edu

ltem	Description	Unit Cost	Quantity	Line Total
Yard Sign	Corrugated Plastic	\$6.00	100	\$600.00
Wire Stand		\$2.00	100	\$200.00
Terms PAY and PICK UF (check, cashier c 7:15am - 4:00pm Toppenish High S Main Office - Jes 141 Ward Road Toppenish WA 98 (509) 865-3370	heck, or cash) School - sie Lustre	Sub Paid To Balance		\$800.00 \$0.00 \$800.00

Pickup Signature:

Approval Signature:

FOR ACCOUNTS PAYABLE USE ONLY:



Cecilia Rios <crios@toppenish.wednet.edu>

THS Printshop Invoice 250

4 messages

Cecilia Rios <crios@toppenish.wednet.edu>

Wed, Sep 15, 2021 at 3:55 PM

To: mariaantoniaoj@gmail.com

Cc: MONICA SALDIVAR <msaldivar@toppenish.wednet.edu>, Shawn Hayden <shayden@toppenish.wednet.edu>

Please see the updated invoice attached.

If you have any questions please let us know.

Thank you!

Cecilia Salguero Rios

Public Relations Specialist / CTE Admin Assistant (509) 865-8127 Toppenish School District



Invoice_0250_Jimenez.pdf 28K

Maria Antonia Ortega Jimenez <mariaantoniaoj@gmail.com>

Thu, Sep 16, 2021 at 2:00 PM

To: Cecilia Rios <crios@toppenish.wednet.edu>

Hi Ceci can you please remove the cost of the wire stands they are not needed. Thank you

Sent from my iPhone

On Sep 15, 2021, at 3:55 PM, Cecilia Rios <crios@toppenish.wednet.edu> wrote:

[Quoted text hidden] <Invoice_0250_Jimenez.pdf>

Cecilia Rios <crios@toppenish.wednet.edu>

To: Maria Antonia Ortega Jimenez <mariaantoniaoj@gmail.com>

Thu, Sep 16, 2021 at 2:02 PM

[Quoted text hidden]



Invoice_0250_Jimenez.pdf

Cecilia Rios <crios@toppenish.wednet.edu>

To: Maria Antonia Ortega Jimenez <mariaantoniaoj@gmail.com>

Thu, Sep 16, 2021 at 2:50 PM

Can you please return the wire stands that were given to you please & thank you. [Quoted text hidden]

* Stands Were Not taken



THS Printshop bit.ly/thsprintshop printshop@toppenish.wednet.edu 509-865-1256 141 Ward Rd Toppenish, WA 98948 United States

INVOICE

Invoice Number

0250

Eligio Jimenez

Invoice Date

(509) 865-3370

Sep 15, 2021

jejimenez@toppenish.wednet.edu

Balance Due

\$600.00

Item	Description	Unit Cost	Quantity	Line Total
Yard Sign	Corrugated Plastic	\$6.00	100	\$600.00
Terms PAY and PICK UP (check, cashier check, or cash) 7:15am - 4:00pm Toppenish High School - Main Office - Jessie Lustre 141 Ward Road Toppenish WA 98948		Subtotal Paid To Date		\$600.00 \$0.00
		Balance	\$600.00	

Pickup Signature:

Approval Signature:

FOR ACCOUNTS PAYABLE USE ONLY:

Budget Codes



Shawn Hayden <shayden@toppenish.wednet.edu>

Invoice to be Paid

1 message

Cecilia Rios <crios@toppenish.wednet.edu>

Wed, Oct 20, 2021 at 8:56 AM

To: Jose Eligio Jimenez <jejimenez@toppenish.wednet.edu>

Cc: MONICA SALDIVAR <msaldivar@toppenish.wednet.edu>, Shawn Hayden <shayden@toppenish.wednet.edu>

Good morning,

I wanted to follow up on the payment for Rosa Ortiz's printshop job. I have been receiving calls & questions from multiple people stating they are not responsible for them.

Can you please clarify who is making the payment?

Thank you, and have a great day!

Cecilia Salguero Rios

Public Relations Specialist / CTE Admin Assistant (509) 865-8127 | Toppenish School District



Cecilia Rios <crios@toppenish.wednet.edu>

Invoice to be Paid

4 messages

Cecilia Rios <crios@toppenish.wednet.edu>

Wed, Oct 20, 2021 at 8:56 AM

To: Jose Eligio Jimenez <jejimenez@toppenish.wednet.edu>

Cc: MONICA SALDIVAR <msaldivar@toppenish.wednet.edu>, Shawn Hayden <shayden@toppenish.wednet.edu>

Good morning,

I wanted to follow up on the payment for Rosa Ortiz's printshop job. I have been receiving calls & questions from multiple people stating they are not responsible for them.

Can you please clarify who is making the payment?

Thank you, and have a great day!

Cecilia Salguero Rios

Public Relations Specialist / CTE Admin Assistant (509) 865-8127 | Toppenish School District

J. Eligio Jimenez <jejimenez@toppenish.wednet.edu> To: Cecilia Rios <crios@toppenish.wednet.edu>

Thu, Oct 21, 2021 at 8:42 AM

Rosa Ortiz is paying, who does she need to pay?

[Quoted text hidden]

J. Eligio Jimenez Director of Mediation-Liaison Services (509) 865.8182 Fax (509) 865.7502

Cecilia Rios <crios@toppenish.wednet.edu>

To: "J. Eligio Jimenez" <jejimenez@toppenish.wednet.edu>

Thu, Oct 21, 2021 at 8:43 AM

She needs to pay with Jessie Lustre at the high school. Please have her bring a copy of the invoice.

Let me know if you have any questions.

Thank you!

[Quoted text hidden]

Cecilia Salguero Rios

Public Relations Specialist / CTE Admin Assistant (509) 865-8127 | Toppenish School District

J. Eligio Jimenez <jejimenez@toppenish.wednet.edu> To: Cecilia Rios <crios@toppenish.wednet.edu>

Thu, Oct 21, 2021 at 10:57 AM



Cecilia Rios <crios@toppenish.wednet.edu>

Invoice 250

4 messages

Cecilia Rios <crios@toppenish.wednet.edu>
To: "rosao2013@gmail.com" <rosao2013@gmail.com>

Tue, Oct 26, 2021 at 9:30 AM

Please see attachment.

Let me know if you have any questions.

Cecilia Salguero Rios

Public Relations Specialist / CTE Admin Assistant (509) 865-8127 | Toppenish School District



Cecilia Rios <crios@toppenish.wednet.edu> To: rosao2013@gmail.com Thu, Oct 28, 2021 at 9:17 AM

[Quoted text hidden]

Cecilia Salguero Rios

Public Relations Specialist / CTE Admin Assistant (509) 865-8127 | Toppenish School District



Rosa Ortiz <rosao2013@gmail.com>
To: Cecilia Rios <crios@toppenish.wednet.edu>

Thu, Oct 28, 2021 at 9:18 AM

Got it! It was in my junk email. Thanks

Sent from my iPhone

On Oct 28, 2021, at 9:17 AM, Cecilia Rios <crios@toppenish.wednet.edu> wrote:

[Quoted text hidden] <Invoice 205_RosaO.pdf>

Cecilia Rios <crios@toppenish.wednet.edu>
To: Rosa Ortiz <rosao2013@gmail.com>

Thu, Oct 28, 2021 at 9:19 AM

Lol ok, great:) [Quoted text hidden]

Cecilia Salguero Rios

Public Relations Specialist / CTE Admin Assistant (509) 865-8127 | Toppenish School District