

## State of Washington

### PUBLIC DISCLOSURE COMMISSION

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### Public Disclosure Commission Statement of Understanding Mike Romero: PDC Case 100637

I, Mike Romero, Toppenish High School Graduation Specialist Director, hereby acknowledge that:

During the month of September 2021, I violated RCW 42.17A.555 by using the phone system of Toppenish School District to attempt to persuade employees of the Toppenish High School print shop to issue a revised invoice lowering the price for 100 campaign yard signs ordered by School District employee Eligio Jimenez and printed by employees of the high school print shop for the benefit of the 2021 Rosa Ortiz campaign.

#### Relevant 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.”

#### Factual Background

- The Toppenish High School print shop provides printing services to the public but does not advertise its services or compete with outside printing entities. The print shop is for student



training purposes to be utilized by the high school's Graphics and Art Design students so they can familiarize themselves with industry equipment.

- The print shop price sheet for the 2020-2021 school year was \$6 per sign for 18x24 inch yard signs and \$8 per sign for non-school district members of the public, with no listed charge for double-sided signs.
- Ms. Saldivar was planning to update the price sheet for the 2021-2022 school year but had not done so when the Rosa Ortiz signs were ordered and paid for in September 2021. The price sheet for the 2021-2022 school year was updated in October 2021, after the Rosa Ortiz signs were ordered and paid for, and included a price of \$6 per sign for a single-sided yard sign and \$8 per sign for a double-sided yard sign with the prices applying equally to school district employees and the public.

### **Rosa Ortiz Signs Ordered and Printed and Initial Invoice Issued for \$1,200**

- During her campaign for a school board position, while attending a meeting of the Toppenish Community Safety Network, Rosa Ortiz became aware she could have campaign yard signs printed by the Toppenish High School print shop. Ms. Ortiz did not say who told her about the availability of the high school print shop's services but confirmed Toppenish School District Superintendent John Cerna and District employee Mike Romero also attended the meeting.
- On September 7, 2021, Eligio Jimenez, a Toppenish School District employee, known to Cecilia Rios, the District employee who handled the administrative functions of the print shop, and Shawn Hayden, the Teacher running the print shop and who printed the signs, placed an order for 100 double-sided yard signs for Rosa Ortiz's 2021 campaign for School Director. Mr. Jimenez did not discuss the price for the signs when he placed the order. Ms. Rios said Mr. Jimenez 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."
- Shawn Hayden printed the campaign signs because no students were on campus or available to be trained to use the large format printer due to COVID restrictions. Mr. Hayden stated students would have printed the signs had they been on campus and trained to use the print shop's large format printer.
- When the printing was completed, Cecilia Rios and Shawn Hayden agreed on a price of \$12 per sign, \$6 for each side, because the signs were printed front and back, included different artwork on the two sides, and took one hour to print each side. The print shop then sent an invoice for \$1,200 to Eligio Jimenez for the Rosa Ortiz campaign signs.


### **Invoice Lowered from \$1,200 to \$600**

- Within two minutes of the print shop sending an invoice to Eligio Jimenez for \$1,200 for 100 double-sided campaign signs for Rosa Ortiz, Mike Romero, Toppenish High School Graduation Specialist Director, called Shawn Hayden, using the District's intercom and phone system, trying to get the price lowered. According to Mr. Hayden, Mr. Romero said something like, "This price isn't going to work." Mr. Hayden said it felt like Mr. Romero was telling him what the price was going to be. Mr. Romero initially denied making calls to get the price of the signs lowered, but when told Ms. Rios recalled her conversation with Mr. Romero, he said he trusted Mr. Rios' memory and acknowledged he may have contacted someone about the cost of the signs.

- Monica Saldivar became aware of the pricing issue during a phone conversation with Cecilia Rios on September 15, 2021. She became aware that Mike Romero had contacted both Shawn Hayden and Cecilia Rios trying to get the price for the Rosa Ortiz signs lowered.
- Ms. Saldivar consulted with Shawn Hayden, Cecilia Rios, and Bonnie Smith, Principal of Toppenish High School, and reviewed her draft print shop price list for the 2021-2022 school year, and then directed Cecilia Rios to issue a revised invoice for \$800 consisting of \$600 for 100 double-sided signs and \$200 for 100 wire stands for the signs. Eligio Jimenez rejected the wire stands and Ms. Saldivar directed Ms. Rios to issue a second revised invoice for \$600, removing the charge for wire stands. Ms. Ortiz picked up and paid for the signs.
- Though Ms. Saldivar ostensibly based the price revision on the updated 2021-2022 draft price sheet, the revised invoice only charged \$6 a sign even though the draft price sheet indicated that double-sided yard signs would be charged at \$8 a sign.

I would like to avoid the time and expense resulting from an enforcement hearing before the Public Disclosure Commission (PDC). Therefore, in lieu of a hearing, I acknowledge that I violated Washington law as described above and agree to enter into this Statement of Understanding to resolve this violation. Further, I agree to pay a \$300 civil penalty for violating RCW 42.17A.555.

By signing this Statement of Understanding, I acknowledge that I violated RCW 42.17A.555 and waive my right to a hearing in this matter. I further understand that by signing this Statement of Understanding and paying a \$300 civil penalty, my involvement in PDC Case no. 100637 is resolved

  
(Signature of Mike Romero)

1-27-23  
(Date Signed)

Please make your check or money order payable to the **"Washington State Treasurer"** and be sure to include the PDC Case number in the memorandum field, and mail or deliver this Statement of Understanding along with your payment/check to the PDC at the following address:

**Public Disclosure Commission**  
**PO Box 40908**  
**711 Capitol Way, Room 206**  
**Olympia, WA 98504-0908**