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**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

9 In Re: The Matter of Enforcement Action
10 Against:

11 OZZIE KNEZOVICH,
12 Respondent.
13

PDC CASE NO. 105472

FINAL ORDER ON
RECONSIDERATION

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15 This matter was heard remotely by the Washington State Public Disclosure Commission
16 (Commission) on January 26, 2023, by telephonic and online streaming access. Respondent
17 Ozzie Knezovich requested reconsideration of the Presiding Officer's Order entered on
18 December 15, 2022, following a Brief Enforcement Hearing (Brief Adjudicative Proceeding) on
19 November 17, 2022, in this matter. The hearing was held in accordance with Chapters 34.05
20 and 42.17A RCW, and Chapter 390-37 WAC.

21 Commissioners present both telephonically and online were Fred Jarrett, Commission
22 Chair (presiding); Nancy Isserlis, Commission Vice-Chair (recused and did not participate); and
23 Commissioners William Downing and Allen Hayward. Also present both telephonically and
24 online were Assistant Attorney General John S. Meader representing the Commission, Assistant
25 Attorney General Susie Giles-Klein representing PDC Staff, and Jennifer Hansen, PDC
26 Compliance Officer. Notice was provided to the Respondent and he appeared on his own behalf.

1 The proceeding was open to the public and recorded.

2 The Commissioners had before them the following materials:

- 3 • Case memorandum dated January 18, 2023, prepared by Jennifer Hansen, PDC
- 4 Compliance Officer;
- 5 • Response to the complaint provided by Respondent, received March 17, 2022;
- 6 • Initial Hearing Notice (case status review hearing) sent to Respondent May 25, 2022, for
- 7 a hearing held June 2, 2022, after opening a formal investigation, PDC Case #105472;
- 8 • PDC staff allegations provided to Respondent on June 29, 2022;
- 9 • Response to staff allegations by the Respondent, received August 18, 2022;
- 10 • Brief Enforcement Proceeding Notice, dated October 27, 2022;
- 11 • Initial Order Imposing Fine, served December 15, 2022;
- 12 • Respondent's written request for review, received January 12, 2023;
- 13 • Reconsideration Hearing Notice, dated January 13, 2023.
- 14

15 **I. FINDINGS OF FACT**

16 The matter involved Respondent's request that the Commission reconsider an Initial
17 Order entered on December 15, 2022, resulting from a Brief Adjudicative Proceeding on
18 November 17, 2022, regarding Ozzie Knezovich, former Spokane County Sheriff. Respondent
19 did not seek reelection and left his position December 31, 2022. The Presiding Officer at the
20 Brief Adjudicative Proceeding found the Respondent in violation of RCW 42.17A.555 for using
21 public facilities of the Spokane County Sheriff's Office to oppose Amber Waldref, a candidate
22 for Spokane County Commissioner in the 2022 election; and in violation of RCW 42.17A.635(2)
23 for engaging in prohibited indirect lobbying by encouraging members of the public to contact
24 legislators regarding legislative changes. At the November 17, 2022, Brief Enforcement
25 Hearing, an order imposing a \$300 penalty, with \$100 suspended, was entered which the
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1 Respondent now requests the Commission reconsider. The Respondent has no prior violations
2 with the PDC.
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4 1. On March 7, 2022, PDC staff received a complaint filed by Paul Dillon alleging
5 that the Respondent had violated RCW 42.17A.555 by using the public facilities
6 of the Spokane County Sheriff's Office to oppose Amber Waldref, a candidate
7 for Spokane County Commissioner in the 2022 election. Further investigation
8 prompted PDC staff to add an alleged violation of RCW 42.17A.635(2) for
9 engaging in prohibited indirect lobbying by encouraging members of the public
10 to contact legislators regarding legislative changes.
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12 2. PDC staff sent notice of the original complaint to the Respondent on March 15,
13 2022, and requested a response by March 29, 2022. The Respondent submitted
14 a written response on March 17, 2022.
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16 3. An Initial Hearing (case status review hearing) was held on June 2, 2022,
17 pursuant to RCW 42.17A.755 and WAC 390-37-060 and WAC 390-37-071.
18 The Respondent participated telephonically.
19

20 4. PDC staff sent the Respondent written notice of the added allegation for
21 violation of RCW 42.17A.635(2) on June 29, 2022, and requested a response by
22 July 14, 2022. The response date was subsequently extended to August 18,
23 2022. The Respondent submitted a written response on August 18, 2022.
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- 1 5. On October 27, 2022, PDC staff served the Respondent by electronic mail with a
2 hearing notice for a Brief Adjudicative Proceeding to be held on November 17,
3 2022.
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- 5 6. At the November 17, 2022, Brief Enforcement Hearing, the Respondent was
6 found to have violated RCW 42.17.555 by using the public facilities of the
7 Spokane County Sheriff's Office to oppose Amber Waldref, a candidate for
8 Spokane County Commissioner in the 2022 election; and RCW 42.17A.635(2)
9 for engaging in prohibited indirect lobbying by encouraging members of the
10 public to contact their legislator regarding legislative changes. Respondent was
11 assessed a \$300 civil penalty consistent with WAC 390-37-143, the Brief
12 Enforcement Penalty Schedule adopted by the Commission, with \$100 suspended
13 conditioned upon the Respondent submitting a Statement of Understanding
14 acknowledging the violations and paying the \$200 non-suspended portion of the
15 penalty within 30 days of the December 15, 2022, Initial Order.
16
- 17 7. On December 15, 2022, the Respondent was served with the November 17,
18 2022, Initial Order memorializing the Commission's ruling to the Respondent's
19 email address of record.
- 20 8. On December 21, 2022, the Respondent emailed PDC staff asking about the
21 appeal process. Per PDC staff's request, he submitted his written request for
22 reconsideration on January 12, 2023. In his request he stated he believed there
23 was no evidence of a violation or either RCW 42.17A.555 or RCW
24 42.17A.635(2) and explained his intent regarding the creation of the YouTube
25 video and his responsibility to respond to the public.
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9. On January 13, 2023, PDC staff served the Respondent by email with a hearing notice for a January 26, 2023, Reconsideration Hearing before the Public Disclosure Commission, along with instructions on how to participate in the hearing remotely. The notice was sent to the Respondent's email address-of-record and mailed to the current postal mailing address provided by the Respondent on January 6, 2023.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.
2. Pursuant to RCW 42.17A.555, 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. Respondent's publically posted video that contained opposition to a candidate's campaign for County Commissioner was filmed at a County facility with the Respondent in his Sheriff's uniform. This was in violation of the statute and improperly used a public facility to oppose a candidate for office.

- 1 3. Pursuant to RCW 42.17A.635(2), no public funds may be used directly or
2 indirectly for lobbying. The Respondent's comments encouraging the public to
3 contact their Legislator did not violate the statute as they were not sufficiently
4 connected to specific legislation and thus did not meet the statutory definition of
5 improper lobbying.
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7 **III. ORDER**

8 This Order on Reconsideration will be the Final Order. After consideration of the
9 mitigating and aggravating factors, the Findings of Fact, and the Conclusions of Law, the
10 Initial Hearing Order assessing a \$300 civil penalty, with \$100 suspended, is MODIFIED as
11 follows:

- 12 1. Respondent Ozzie Knezovich is assessed a total civil penalty of \$300, with \$100
13 suspended for violation of RCW 42.17A.555. Payment of the \$200 non-
14 suspended portion of the penalty is due within 30 days of the date of this order.
15 The remaining \$100 civil penalty is suspended on the following conditions:
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- 17 a. The Respondent remains in full compliance with all PDC reporting
18 requirements and is not found to have committed any further violations of
19 Chapter 42.17A RCW or Title 390 WAC within four years of the date of
20 this Final Order. The suspended penalty shall not be assessed based solely
21 upon any remediable violation, minor violation, or error classified by the
22 Commission as appropriate to address by a technical correction.
- 23 b. The Respondent signs a statement of understanding acknowledging
24 violation of RCW 42.17A.555 and pays the \$200 non-suspended civil
25 penalty within 30 days of the date of this order.
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2. If the Respondent fails to comply with Section III(1) of this order, the suspended civil penalty of \$100 will immediately become due without further action by the Commission.

3. The finding in the Initial Order that the Respondent violated RCW 42.17A.635(2) is VACATED.

SO ORDERED this _16th____ day of February, 2023.

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:



Fred Jarrett,
Chair, Public Disclosure Commission

This order sent by email to:

Ozzie Knezovich, Respondent,
ozzieknezovich@gmail.com

Jennifer Hansen, PDC Compliance Officer,
jennifer.hansen@pdc.wa.gov

I, Jennifer Hansen, certify that I emailed a copy of this order to the Respondent at his respective email address.

<u>Jennifer Hansen</u>	<u>2/16/2023</u>
Signed	Date

NOTICE: PETITION FOR JUDICIAL REVIEW

1 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
2 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
3 Order must be filed with the court and also served upon both the Commission and the Office of
4 the Attorney general within thirty (30) days after the date this Final Order is served upon you.
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