



State of Washington
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

December 14, 2022

Delivered electronically to tcrowson69@gmail.com

Subject: Complaint filed by Jonathan Meyer, PDC Case 112611

Dear Tom Crowson:

Below is a copy of an electronic letter sent to Jonathan Meyer concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Jonathan Meyer, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

PDC staff is reminding you about the importance of not using public office/agency facilities for the purpose of assisting an election campaign or to promote an initiative to the Legislature.

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s

Tabatha Blacksmith
Compliance Officer

Endorsed by,

/s

Kim Bradford
Deputy Director
For Peter Lavalley
Executive Director



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December 14, 2022

Delivered electronically to jonathan.meyer@lewiscountywa.gov

Subject: Complaint regarding Tom Crowson, PDC Case 112611

Dear Jonathan Meyer:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 20, 2022. The complaint alleged that Thomas (Tom) Crowson, a Lewis County Board of Equalization (BOE) Member and a 2022 candidate for Lewis County Assessor, may have violated RCW 42.17A.555 by allegedly using Lewis County BOE facilities to assist his 2022 election campaign and promote an initiative to the Legislature concerning property taxes.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes and rules, the responses provided by the Respondent; the verbal testimony of witnesses; and other relevant information to determine whether the record supports a finding of one or more violations.

Based on staff's review, we found the following:

- [RCW 42.17A.555](#) prohibits elected or appointed officials and public office or agency employees from using, or authorizing the use of, public office or agency facilities for the purpose of assisting a campaign for election and promoting or opposing ballot propositions.
- [RCW 42.17A.635\(4\)](#) similarly prohibits using, or authorizing the use of, public office or agency facilities to promote an initiative to the Legislature.
- Pursuant to .555(3) and .635(4)(c), the prohibition on use of public office/agency facilities does not apply to activities that are "part of the normal and regular conduct of the office or agency" which is defined in [WAC 390-05-273](#) and includes activity that is lawful and usual (not extraordinary).
- Tom Crowson is an appointed Member of the Lewis County BOE, an independent body comprised of private citizens that hear and decide appeals related to property tax valuation and other determinations by the Lewis County Assessor. BOE Members are appointed by the Lewis County Commissioners and are not paid a salary but receive a stipend to offset fuel costs to attend hearings.

- The Lewis County Assessor’s Office determines how many months the BOE is in session to hold hearings, depending on the number of petitions filed, which ranges from 5-9 months or more.
- The BOE meetings/hearings are held at the county’s Administration Building/Historic Courthouse, usually on Thursdays or Fridays, and the public has access to the county building and is permitted to attend those meetings/hearings.
- On June 10, 2022, Tom Crowson filed a C-1 report (Candidate Registration), declaring his candidacy for Lewis County Assessor in 2022, and ran against candidate Ross Nielson in both the Primary and General elections. Mr. Crowson did not win the 2022 General Election.
- Your complaint alleged that Tom Crowson (the “Respondent”) engaged in the following activities, which may constitute a prohibited use of public facilities, thereby violating RCW 42.17A.555 and/or .635(4):
 1. On August 19, 2022, the Respondent requested an endorsement of his candidacy from Lewis County Commissioner Sean Swope at the Historic Courthouse Building (on county property) during Mr. Swope’s work hours; and
 2. On September 16, 2022, the Respondent “vocally advocated for the gathering of signatures in support of an initiative that would impact property taxes” after the conclusion of a BOE meeting that was held in the BOCC Hearings Room of the Lewis County Historic Courthouse. The initiative in question was I-1509¹.
- Following the above-mentioned incidents, which were reported to the Lewis County Prosecutor’s Office (LCPO) by county officials, the LCPO reached out to the Respondent by email twice, on August 19, 2022 and September 19, 2022 respectively. In its emails, the LCPO 1) informed the Respondent of its belief that the activities potentially violated RCW 42.17A.555; 2) asked him to refrain from such activities; and 3) indicated its intent to refer these matters to the PDC.
- Upon being notified of the LCPO’s complaint by the PDC on September 27, 2022, the Respondent immediately responded via email the same day and indicated he was unaware of the concerns voiced by the LCPO until he received a telephone call from Amber Smith, Sr. Civil Deputy Prosecuting Attorney, on September 21, 2022. The Respondent was unaware of LCPO’s two prior attempts to reach him by email because the messages were sent to a non-working email address.
- The Respondent does not have previous warnings or violations of PDC requirements.

Candidate Request for Endorsement on County Property

- The Respondent stated, in his written response, that his recollection was that the endorsement request had occurred at Chehalis Bethel Church, not in the County Administration Building, and that he was not made aware of any impropriety at the time.

¹ [I-1509](#) is an initiative to the Legislature that proposes a state property tax exemption for the first \$250,000 of value on “real property,” as defined per [RCW 84.04.090](#)

- PDC staff interviewed Commissioner Sean Swope by telephone, and he confirmed that the Respondent requested an endorsement from him on August 19, 2022 outside his office (in the foyer) at the Historic Courthouse (County Administration Building), which is open to the public. Commissioner Swope said the Respondent approached him and initiated the conversation while he (Swope) was on a break.
- The endorsement request from Tom Crowson to Commissioner Swope did not occur before, during or after a BOE hearing or meeting, and Mr. Crowson used his own personal time to make the request.
- Later that day, LCPO sent an email to the Respondent, citing concerns that campaigning while at county facilities potentially violates RCW 42.17A.555. In the letter, LCPO informed the Respondent that he should not seek endorsements or campaign support from county employees or elected officials while in county facilities or during their work hours. The Respondent did not receive this email due to technical issues with his email account.

Initiative Discussion Between BOE Member and Petitioner after BOE Meeting/Hearing

- The Respondent stated that he spoke with an unidentified appellant (also known as a “petitioner”) following a BOE hearing held on September 16, 2022. He recalls the petitioner had concerns regarding her property tax assessment and questioned how the Board would decide her case. The Respondent said he merely made the petitioner aware of I-1509 but did not ask or tell her to sign the initiative and was not campaigning for it.
- The Respondent indicated he had a copy of I-1509 in his briefcase on the date of the BOE hearing but did not produce the initiative or ask the petitioner to sign it because he considered these activities to be “campaigning.” The Respondent indicated he is aware of RCW 42.17A.555 and stated that he was not campaigning for the initiative.
- The Respondent further recalled that other BOE Members and “Ross and Chris” from the Assessor’s office were present during his conversation with the petitioner and they also spoke to her. The Respondent expressed concern about the timing of the complaint and one of the witnesses listed, who he (Tom Crowson) says is an active supporter of his opponent.
- The LCPO confirmed that the conversation between the Respondent and the petitioner was not reflected in the BOE’s meeting Minutes because it occurred after the hearings had concluded and “the record was closed.”
- The PDC did not interview Auditor Dianne Dorey, who was listed as a witness in the complaint, because she stated she did not attend the September 16, 2022 BOE meeting, and, subsequently, had no first-hand knowledge of the conversation between the Respondent and the petitioner.
- PDC staff interviewed witness Chris Lanegan, Chief Appraiser of Lewis County, by telephone and he said that he attended the BOE meeting on September 16, 2022, which was held in the Commissioner’s hearing room of the old Courthouse. Mr. Lanegan stated that he heard the Respondent mention Initiative 1509 to an unidentified petitioner after her hearing and indicate his support for the initiative by saying he (Tom Crowson) hoped

it would “go through.” Mr. Lanegan confirmed that the BOE meeting had concluded when the conversation with the petitioner occurred and said he recalled that other BOE Members were still present in the room.

- According to the Respondent and Mr. Lanegan, it is a normal and regular practice for BOE Members to talk to property owners after their hearings, answer petitioner’s questions and discuss their concerns. Mr. Lanegan said he was concerned about what he perceived to be election-related content in the conversation between the Respondent and the petitioner.
- On November 17, 2022, the Respondent stated that he had queried his fellow BOE Members about the content of his September 16, 2022 conversation with the petitioner. The Respondent said the other BOE Members confirmed his recollection that the discussion was limited to informing the petitioner of the initiative’s existence.

Based on our findings, staff has determined that, in this instance, the evidence is insufficient to support a finding of a violation that warrants further investigation. For the reasons outlined below, the information available does not sufficiently establish that the Respondent engaged in prohibited activities that violate RCW 42.17A.555 and/or .635.

Staff found that, based on the following mitigating factors, no evidence was found that the Respondent violated RCW 42.17A.555:

1. The Respondent was in an area of the building that is accessible to the public when he made his request for endorsement, and he did not use his position as a BOE Member to gain special access to Commissioner Swope;
2. Commissioner Swope was on a break in the building hallway when the request for endorsement was made of him by the Respondent; and
3. The request was not made during the Respondent’s BOE “work hours” or time that is reserved for fulfilling his official duties as a volunteer BOE Member.

Staff found that, based on the following mitigating factors, no evidence was found of a violation of RCW 42.17A.635(4):

1. Providing information to petitions and discussing their concerns appears to be normal and regular conduct for BOE Members;
2. The Respondent’s statements regarding initiative I-1509 appear to have been informational in nature. Support for the initiative was stated as a hoped-for outcome and was not overtly expressed by asking the petitioner to take action, sign or otherwise support the initiative;
3. The Respondent discussed initiative 1509 with the petitioner after the BOE hearing/meeting, when his official duties had concluded; and
4. The Respondent’s conversation was not part of the official record or recorded meeting Minutes.

The PDC urges candidates and individuals appointed by a public office/agency to exercise caution when engaging in any activity that might be prohibited under .555 or .635. However, the unique facts and circumstances of each situation must be evaluated to determine if a violation has occurred.

PDC staff is reminding Tom Crowson about the importance of not using public office/agency facilities for the purpose of assisting an election campaign or to promote an initiative to the Legislature.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s

Tabatha Blacksmith
Compliance Officer

Endorsed by,

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Kim Bradford
Deputy Director
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Executive Director

cc: Tom Crowson