



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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April 24, 2023

Delivered electronically to lindseyg@seiu1199nw.org and carsonf@seiu1199nw.org

Subject: Complaint filed by Arthur West, PDC Case 114442

Dear Lindsey Grad:

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

As noted in the letter to Arthur West, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not continue its formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to timely disclose lobbying activities on your *Lobbyist Monthly Expenditure Report* (L-2 report) for November of 2021. Staff expects you to timely disclose all reportable lobbyist activity on monthly L-2 reports in the future. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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,

Electronically signed Tabatha Blacksmith

Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavalley

Peter Frey Lavalley
Executive Director



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April 24, 2023

Delivered electronically to awestaa@gmail.com

Subject: Complaint regarding Lindsey Grad, PDC Case 114442

Dear Arthur West:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on November 20, 2022. The complaint alleged that Lindsey Grad, a lobbyist for SEIU Healthcare 1199 NW, may have violated [RCW 42.17A.615](#) by failing to disclose lobbying activities on a *Lobbyist Monthly Expenditure Report* (L-2 report). Specifically, you alleged that Lindsey Grad (the “Respondent”) engaged in unreported lobbying activity in November of 2021 involving the 2021 Redistricting Commission based on text messages that Ms. Grad sent to Redistricting Commissioner April Sims.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the responses provided by the Respondent; the applicable PDC reports filed by the Respondent; 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:

- Lindsey Grad is registered with the PDC as a lobbyist and is currently employed by the union SEIU Healthcare 1199 NW to lobby through December of 2024.
- [RCW 42.17A.005\(34\)](#) defines “lobby” and “lobbying” to mean “attempting to influence the passage or defeat of any legislation by the Legislature of the State of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, [chapter 34.05 RCW](#).”
- [RCW 42.17A.615](#) requires each registered lobbyist to electronically file *Lobbyist Monthly Expenditure Reports* (L-2 reports) with the PDC disclosing their lobbying activities, which are due within 15 days of the end of each calendar month to be reported. The monthly report shall include, but not be limited to, 1) the subject matter of proposed legislation or other legislative activity or rule making under chapter 34.05 RCW; and 2) the state agency considering the subject matter, which the lobbyist has been engaged in

supporting or opposing during the reporting period. Exemptions are listed under [RCW 42.17A.610](#).

- The Respondent submitted an L-2 report for November of 2021 on December 3, 2021 wherein she indicated that she spent 100% of her time lobbying the Legislature regarding “Health Care” on behalf of SEIU Healthcare 1199 NW during the month reported. No other lobbying activities were disclosed on the L-2 report for November 2021.
- Submitted with the complaint were copies of text messages between lobbyist Lindsey Grad and 2021 Redistricting Commissioner April Sims, dated November 15, 2021 and November 16, 2021. The Complainant indicated he obtained these records from the Washington State Legislature, and that the state’s Redistricting Commission failed to provide these texts in response to his public records request. In the November 15th text exchange, the Respondent appears to be giving Commissioner Sims advice regarding how to communicate with and/or persuade an unnamed individual to take (or not take) a particular action. In the November 16, 2021 text thread, the Respondent appears to be congratulating Commissioner Sims for her work on the Commission.
- [The Washington State Redistricting Commission](#) is formed every 10 years following the Census and comprises five appointed members. The Redistricting Commission Members in 2021 were Sarah Augustine, April Sims, Paul Graves, Brady Piñero Walkinshaw, and Joe Fain. Lisa McLean was the Commission’s Executive Director.
- The 2021 Redistricting Commission failed to transmit a Redistricting Plan for legislative and congressional districts to the Washington State Legislature by its deadline of midnight on November 15, 2021. The Redistricting Commission did reach a consensus and submit its plan to the Supreme Court of Washington State on November 16, 2021. The court ruled the Commission had substantially complied and forwarded the plan to the Legislature, where lawmakers amended it.
- On December 19, 2022, Carson Flora, general counsel for SEIU Healthcare 1199 NW, submitted a response to the complaint allegation on behalf of the Respondent. In this response, Ms. Flora indicated that the Respondent did not report the text activity on her L-2 report for November, 2021 because she (Ms. Grad) did not consider it to be lobbying. Ms. Carson stated that the Respondent offered emotional support to Commissioner Sims and appreciation for her leadership on the Commission in the November 15th text messages, and congratulated Commissioner Sims on completing her Redistricting Commission assignment in her November 16th text message. The response went on to say the Respondent was prepared to comply with Washington State public disclosure laws and would amend her L-2 report for November of 2021 if the PDC determined there was an intention to lobby in the text messages.
- Carson Flora provided additional information on December 27, 2022, on behalf of the Respondent, in response to the PDC’s request for clarification regarding specific content that appeared in the November 15 and 16, 2021 text messages. Ms. Flora 1) indicated that Lindsey Grad’s text messages were about the Redistricting Commission meeting its November 15th deadline to submit a Redistricting Plan; and 2) clarified the following references made in the text messages:

- On November 15, 2021, Lindsey Grad texted Commissioner Sims: *“our [union] people are being told Brady [Walkinshaw] and [Adam] Bartz that he [Walkinshaw] is in lockstep with you [in regard to performing the duties by the deadline]. Until we hear you say he is still not right [in regard to performing the duties by the deadline] the sense is that more of the same message [regarding performing the duties by the deadline] won’t help.”* The union cited in this message is SEIU Healthcare 1199 NW and the “we” appears to be another reference to SEIU Healthcare 1199 NW. Adam Bartz is the Executive Director of the democratic caucus committee Washington Senate Democratic Campaign, which is registered as a continuing political committee with the PDC.
- On November 15, 2021, Lindsey Grad texted Commissioner Sims: *“so either letting up, or needing you to confirm that he [Walkinshaw] needs to be told “no you aren’t aligned with her [Sims] [regarding performing the duties by the deadline] yet listen harder.”*
- On November 15, 2021, Commissioner Sims texted Lindsey Grad: *“I think he’s nervous, we can hold for now. I appreciate the assist!”* The Respondent assumed that 1) “he” was a reference to Commissioner Walkinshaw but didn’t know why Sims wrote that he was nervous; and 2) Commissioner Sims’s appreciation was for the Respondent reaching out to show support.
- On November 15, 2021, Lindsey Grad texted Commissioner Sims: *“k people are willing to do more when and if it’s helpful, good luck”* which was a reference to the Respondent’s willingness to support Commissioner Sims in completing the work of the Commission by the deadline, but the Respondent did not have any particular “people” in mind.
- On November 15, 2021, Commissioner Sims texted Lindsey Grad saying she thought an unnamed person was “nervous” and “no ones [sic] calling me” – to which an unidentified texter responded: *“Sounds like Marcus called him too.”* The response from Ms. Flora did not address who Commissioner Sims thought was nervous but said the Respondent does not know what the post from the unidentified texter meant.
- On November 15, 2021, Commissioner Sims texted Lindsey Grad: *“We are getting close!”* which the Respondent understood to be a reference that the Commissioner Sims would soon complete the duties of the Redistricting Commission.
- After conducting a preliminary review and assessment of the allegations, PDC staff opened a formal investigation and held an Initial Hearing (Case Status Review) on February 14, 2023, pursuant to RCW 42.17A.755 and WACs 390-37-060 and 390-37-071. The PDC’s Executive Director, Peter Frey Lavalley, presided over the Initial Hearing and provided information regarding the PDC’s process and possible alternatives for resolving the case. Tabatha Blacksmith, PDC Compliance Officer was also in attendance. The Respondent and the union’s general counsel were also invited and, despite accepting the meeting invitation, did not attend the Initial Hearing. PDC staff followed up by email the same day and acknowledged an Initial Hearing was held.

- On February 23, 2023, the Respondent indicated, in response to the PDC’s inquiry, that her communications in 2021 with Redistricting Commissioners, their staff, and two Legislators were limited to three individuals with whom she has a personal relationship: Redistricting Commissioners April Sims and Brady Piñero Walkinshaw, and State Representative Joe Fitzgibbon.
 - The Respondent’s communications with April Sims regarding redistricting were limited to the November 15 and 16, 2021 texts and a single phone call, wherein she offered Commissioner Sims emotional support. The Respondent said she has a longstanding personal and professional relationship with Commissioner Sims that predates the latter’s role on the 2021 Redistricting Commission. During the phone call, the Respondent encouraged Commissioner Sims to continue her duties and finish the plan by the deadline but did not discuss the contents of the Redistricting Plan itself with Commissioner Sims.
 - The Respondent said she speaks with Brady Piñero Walkinshaw, who is a friend and colleague, on a regular basis about matters unrelated to the 2021 Redistricting Plan and she does not recall any specific discussions regarding redistricting with Commissioner Walkinshaw.
 - The Respondent said she speaks frequently with Joe Fitzgibbon, with whom she has a romantic relationship. She does not recall any specific discussions with Rep. Fitzgibbon regarding redistricting, although he mentioned his work regarding redistricting to her a handful of times in a generalized way while sharing the events of his day. The Respondent said she did not lobby Rep. Fitzgibbon or speak with him about the 2021 Redistricting Plan.
 - The Respondent said she was not familiar with the 2021 Redistricting plans in 2021, is not familiar with them now, and did not lobby anyone regarding the specifics of the 2021 Redistricting Plan. She said the aim of her conversations was to be supportive and helpful. The Respondent said a search of her emails, texts, phone logs, and calendar did not yield any results related to these individuals’ work on the Redistricting Commission developing or approving the 2021 Redistricting Plan.

In a previous response, dated December 27, 2022, the Respondent confirmed that she also did not have any interactions with Legislative staff in 2021 regarding redistricting.

- On March 15, 2023, the PDC asked the Respondent follow up questions regarding her February 23, 2023 answers concerning the content of the November 15 and 16, 2021 text messages. Specifically, the PDC asked the Respondent to 1) identify “our people” at SEIU Healthcare 1199 NW who had spoken to Commissioner Walkinshaw and Adam Bartz; 2) clarify how the Respondent knew these “people” at SEIU Healthcare 1199 NW had spoken to Commissioner Walkinshaw and Adam Bartz; and 3) explain why SEIU Healthcare 1199 NW was interested in the Redistricting Commission completing its plan on time and the nature of the union’s interest in the Redistricting Commission’s plan and associated deadline. In response, Carson Flora said the Respondent does not remember if there were any other people who would be referenced in the text and had already

provided all the information that she (Ms. Grad) could recall about the two 2021 text message threads. Ms. Carson stated the union did/does not have a position regarding the specifics of Redistricting Commission's plan and indicated her belief that supporting the timely functioning of government does not qualify as "lobbying" as defined in RCW 42.17A.005.

- On April 3, 2023 and at the PDC's request, the Respondent amended her L-2 report for November of 2021 to include lobbying activity involving the 2021 Redistricting Commission and its Redistricting Plan.
- The Respondent does not have previous warnings or violations of PDC requirements.

The evidence shows a snapshot of the text communications between the Respondent and Commissioner Sims that were made on November 15 and 16, 2021. However, earlier texts between these individuals, which may have provided additional context for the exchange, were not submitted with the complaint. The Complainant indicated his efforts to obtain the texts of Redistricting Commissioners were frustrated by the improper disposal of, and a failure to retain, public records.

The text messages and the information collected by the PDC suggest that the Respondent's interest in the timely completion of the 2021 Redistricting Plan was more than a personal one. Furthermore, her references to "our people" and "we" give the impression that the Respondent was also speaking for SEIU Healthcare 1199 NW, not simply herself, in the conversation. In this context, it appears the Respondent was not solely offering her own personal support, but the support of the union as well.

The nature of the union's interest in, and support for, seeing the Redistricting Plan timely submitted is unclear. However, it should be noted that, pursuant to [RCW 44.50](#), the Redistricting Commission's failure to meet the deadline could have meant the maps redrawn by the Commission would instead be decided by the state Supreme Court.

A lobbyist need not discuss the specific details of a plan to support or encourage its timely completion and adoption. In some circumstances, showing interest in the adoption or rejection of a rule, standard, rate or other legislative enactment of a state agency can constitute lobbying that is reportable to the PDC.

Based on our findings, staff has determined that, in this instance, failure to timely report lobbying activity on an L-2 report does not amount to a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Lindsey Grad will receive a formal written warning concerning her failure to timely disclose lobbying activities on her *Lobbyist Monthly Expenditure Report* (L-2 report) for November of 2021. The formal written warning will include staff's expectation that Lindsey Grad timely disclose all reportable lobbyist activity on monthly L-2 reports in the future. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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 cdc@cdc.wa.gov.

Sincerely,

Electronically signed Tabatha Blacksmith

Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavalley

Peter Frey Lavalley
Executive Director

cc: Lindsey Grad
Carson Flora, general counsel for SEIU Healthcare 1199 NW