



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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

May 9, 2023

Delivered electronically to Mason County Fire Protection District 6 at "info@mcfd6.com"

Subject: Complaint filed by Jeffrey Brittig, PDC Case 121366

Dear Chief Volk:

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

As noted in the letter to Mr. Brittig, 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.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning the District's misuse of public resources noted in the enclosed letter sent to Mr. Brittig. Staff expects District officials to refrain from using its resources for such purposes and use an alternative method, such as a press conference, to clarify any facts related to upcoming ballot propositions. 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 Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

Electronically signed

Jennifer Hansen
Compliance Officer

Electronically signed

Peter Frey Lavalley
Executive Director



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May 9, 2023

Delivered electronically to Jeffrey Brittig at “jeffrey.brittig@gmail.com”

Subject: Complaint regarding Mason County Fire Protection District 6, PDC Case 121366

Dear Mr. Brittig:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on February 8, 2023. The complaint alleged that officials of the Mason County Fire Protection District #6 may have violated RCW.42.17A.555 for misuse of public facilities to support a ballot proposition.

PDC staff reviewed the allegations; the applicable statutes and rules; *PDC Interpretation No. 04-02*; and the response provided by Chair of the District Board of Fire Commissioners, Troy Woodard, and Chief Clint Volk on behalf of 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:

- Mason County Fire District #6 (the District) Proposition for Property Tax Levy Lid Lift was placed on the November 2, 2021, general election ballot.
- *PDC Interpretation No. 04-02 Guidelines for Local Government* describes permissible activities of a publicly funded entity including the dissemination of “objective and fair presentation of the facts,” which means that in addition to presenting facts, any materials should present accurately the costs and other anticipated impacts of a ballot measure.
- The District produced and disseminated a double-sided color mailer providing details related to the levy to Mason County residents served by the District.
- The complaint alleged that the content of the mailer was not factual, that it supported the passage of the levy, and that public funds were inappropriately used to influence voters.
- The complaint also included a misuse of public funds allegation related to a second double-sided color mailer sent after a Special Business Meeting held on October 13, 2021, as stated in the meeting minutes, to decide how to answer the U.C.A (Union Citizen’s Alliance) fire levy lid lift “misinformation” campaign.
- In the response, Chair Woodard and Chief Volk stated that it was their belief that it was the District’s responsibility to inform the general public of operational and maintenance uses and asserted that the first mailer titled “Fire Levy Lid Lift Facts” was factual and did not violate RCW 42.17A.555. The response further stated that the mailer did not include a statement to vote yes on the levy.

- Regarding the second mailer done in response to the “misinformation” campaign, the Respondent stated that the District has historically and regularly issued one set of district-wide objective and fair presentations of facts and that the second mailer was no exception to that historical practice. In addition, the Respondent stated that the mailer did not advocate passage of a ballot measure, and although titled “Fire Levy Lid Lift Facts”, merely responded to numerous allegations of wrongdoing, which the District believes are not true.
- During the investigation, PDC staff found that the District was allowed to create and disseminate one set of facts related to the necessity and impact of a ballot proposition. However, RCW 42.17A.555 does not allow for a rebuttal of any perceived false statements made by persons opposing any ballot measure related to the District. Staff believes that the second mailer is not part of the “normal and regular” practice permissible in statute and outlined in *PDC Interpretation No. 04-02*.
- PDC staff found no evidence that the second mailing was political advertising, and it thus did not require sponsor identification or reporting on an Independent Expenditure report (C-6 report) disclosing an independent expenditure advertisement mailer in support of the Fire District #6 Proposition for Property Tax Levy Lid Lift.
- In addition, PDC staff noted that the District received a formal warning in PDC Case #103998 related to the same levy lid lift at issue in this current investigation. The warning included staff’s expectation that any language used to explain a ballot proposition be an “objective and fair presentation of the facts.”¹

It appears that the non-factual wording used in the first District mailer was not included in an effort to persuade voters to support the levy. The District has previously been warned regarding the use of non-factual information for this same levy and is expected to refrain from such activity in the future.

Based on our findings staff has determined that, in this instance, the creation and dissemination of a mailer containing a rebuttal or response to what the District believed was “misinformation” regarding the levy, does not amount to a finding of a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, officials of the Mason County Fire Protection District #6 will receive a formal written warning concerning the misuse of public facilities to create a mailer including information about the District for the sole purpose of responding to political advertisement opposing a ballot proposition. The formal written warning will include staff’s expectation that, in the future, the District will refrain from using its resources for such purposes and use an alternative method to clarify any facts related to upcoming ballot propositions. 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).

¹ Staff notes that the warning in Case #103998 came after the election, so District officials did not have the benefit of that information at the time of the actions at issue in this matter, which is a mitigating factor regarding the existence of a prior warning in this case.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Peter Frey Lavalley
Executive Director

cc: Mason County Fire Protection District #6