



**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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdca.wa.gov](http://www.pdca.wa.gov)

December 11, 2017

Delivered electronically to "robin.murphy@soundtransit.org"

Subject: PDC Case 27890

Dear Dave Somers:

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

As noted below to Joe Kunzler, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter. PDC staff is reminding you about the importance of the preventing public facilities, including public comment periods, from being used to support or oppose any candidate or ballot proposition. In the future, PDC staff expects that public comment periods will not be allowed to be used for these purposes.

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at [fox.blackhorn@pdcc.wa.gov](mailto:fox.blackhorn@pdcc.wa.gov).

Sincerely,

/s \_\_\_\_\_  
Fox Blackhorn  
Compliance Coordinator

Endorsed by,

/s \_\_\_\_\_  
Barbara Sandahl  
Deputy Director  
For Peter Lavalley  
Executive Director

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December 11, 2017

Delivered electronically to "growlernoise@gmail.com"

Subject: Complaint regarding Dave Somers, PDC Case 27890

Dear Joe Kunzler:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on . Your complaint alleged that Dave Somers may have violated RCW 42.17A.555 by allowing Alex Tsimerman to use public comment period at Sound Transit meetings to support his mayoral election campaign.

PDC staff reviewed your allegations, and as a result of staff's initial review, we found the following:

- Dave Somers, like every elected or appointed official, and every government employee, has a duty to prevent the misuse of public facilities to support election campaigns or ballot propositions per RCW 42.17A.555.
- Alex Tsimerman has been allowed to make comments that support his campaign during Sound Transit meetings, such as revealing his 4-point mayoral campaign platform on April 27, 2017; however, these statements were made in the middle of monologues about Sound Transit business.
- Sound Transit's response indicates that they have ejected Alex Tsimerman based upon their Rules for Public Comment.

Based on these initial findings, staff has determined that in this instance, failure to prevent Alex Tsimerman from inserting campaign-related statements into his public comments about Sound Transit, does not amount to a material violation warranting further investigation.

PDC staff is reminding Dave Somers about the importance of the preventing public facilities, including public comment periods, from being used to support or oppose any candidate or ballot proposition. In the future, PDC staff expects that public comment periods will not be allowed to be used for these purposes.

The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case.

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at [fox.blackhorn@pdc.wa.gov](mailto:fox.blackhorn@pdc.wa.gov).

Sincerely,

/s\_\_\_\_\_

Fox Blackhorn  
Compliance Coordinator

Endorsed by,

/s\_\_\_\_\_

Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director

cc: Dave Somers c/o Robin Murphy