



**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.pdca.wa.gov

October 22, 2024

Delivered electronically to adolfob@burienwa.gov

Subject: Complaints filed by Charles Schaefer and Nancy Kick, PDC Case 158607

Adolfo Bailon, Burien City Manager:

Below is a copy of an electronic letter sent to Charles Schaefer and Nancy Back concerning complaints filed with the Public Disclosure Commission (PDC). As noted in the letter, 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.

RCW 42.17A.555 prohibits the use of public agency facilities to promote or oppose ballot propositions but does not prevent a public agency from making an objective and fair presentation of the facts relevant to a ballot proposition if such activity is part of the normal and regular conduct of the agency.

PDC staff is reminding you that subjective statements regarding ballot measures should be avoided. Describing a ballot measure as posing a “problem” and having “threatened” city policy, and characterizing supporters as acting “misleadingly,” will invite the PDC’s scrutiny to determine whether the activity still falls within the narrow exemption to use of public facilities in election campaigns allowed in law.

If you have questions, contact Alice Fiman at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

Endorsed by,

/s

Kim Bradford
Deputy Director
For Peter Frey Lavallee
Executive Director



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October 22, 2024

Delivered electronically to charlesschaefer89@gmail.com and burienpeoplepower@gmail.com

Subject: Complaint regarding City of Burien officials, PDC Case 158607

Charles Schaefer and Nancy Kick:

The Public Disclosure Commission (PDC) completed its review of the complaints filed August 12 and September 18, 2024. The complaints allege City of Burien officials violated RCW 42.17A.555 by misusing public facilities or resources to support or oppose a ballot measure.

PDC staff reviewed the allegations and evidence submitted; the applicable statutes and rules, and the response provided by Adolfo Bailon, Burien City Manager, 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 the use of public agency facilities to promote or oppose ballot propositions but does not prevent an agency from making an objective and fair presentation of the facts relevant to a ballot proposition if such activity is part of the normal and regular conduct of the agency.
- The PDC has developed [Guidelines for Local Government Agencies in Election Campaigns](#) and a [2015 staff analysis](#) to assist public agencies in determining whether an activity is permitted under RCW 42.17A.555.
- Per PDC guidelines, a public agency is allowed to distribute a fact sheet and related information regarding the ballot measure by means other than a mailing (e.g. website, newsletter) if the agency can demonstrate that such other communications are part of the agency's normal and regular conduct. The method, format and frequency of communication should be typical of how the agency routinely communicates with its audiences.
- The Guidelines state that public resources – including staff work hours and agency equipment and supplies – should only be used to produce factual, objective, and fair information about a ballot proposition and that public resources should not be used to collect, produce, or distribute promotional content related to a campaign or election.
- PDC staff noted that the agency's overall information presentation substantially met state law, PDC rules and staff guidelines.

- However, PDC staff noted subjective, charged language should be closely scrutinized in future election-related information.

Based on our findings, staff has determined that, in this instance, there does not appear to be a violation that warrants further investigation. PDC staff is reminding City of Burien officials about the importance of monitoring content focused on election issues to ensure it remains fair and objective.

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, contact Alice Fiman toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

Endorsed by,

/s

Kim Bradford
Deputy Director
For Peter Frey Lavalley
Executive Director