



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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October 25, 2017

Sent electronically to Gretchen McDevitt at mcdevitt@windwireless.net

Subject: Complaint filed against:

- Spokane Fire Department Officials and City of Spokane, PDC Case 9062
- Spokane Firefighters Union and Spokane Firefighters Union PAC, PDC Case 9063
- Safest City Spokane PAC, PDC Case 17789

Dear Ms. McDevitt:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on October 15, 2016. This letter addresses each of the Respondents separately, as noted below. As previously discussed, Spokane for Honest Government was initially heard by the Commission on July 27, 2017, but the Commission rejected the proposed Stipulation presented by the Respondent and PDC staff. The matter is being heard as an enforcement hearing by the Commission on October 26, 2017.

Spokane Fire Department Officials and City of Spokane, PDC Case 9062

You alleged that Spokane Fire Department Officials may have violated RCW 42.17A.555 by authorizing the use of City of Spokane Fire Department equipment in political advertising sponsored by Spokane Firefighters Union PAC. City of Spokane officials stated that the uniforms used in TV ads to support candidates Lori Kinnear and Karen Stratton were not the property of the City of Spokane. The Spokane Firefighters Union Local 29 stated that the equipment used in the videos were the property of the union, and not property of the City of Spokane. Because the TV ads included Spokane Firefighters dressed in union-owned and emblazoned uniforms that were not city property, there is no evidence that Spokane Fire Department officials used, or authorized the use of, city facilities to assist the campaigns of candidates Kinnear or Stratton in violation of RCW 42.17A.555.

You alleged that the City of Spokane may have violated RCW 42.17A.495 by withholding funds from employees' wages that the Spokane Firefighters Union Local 29 used as political contributions without the written authorization of the employees. We found that the City believed they were not required to maintain written authorizations for the funds withheld because the union requested the funds as "dues and other assessments" under a Collective Bargaining Agreement (CBA) between the City and the

union, and the City had no knowledge or awareness of how the funds were being distributed after they were sent to the union. We found that the employees have signed written authorizations, and that they are maintained by the union. Staff has informed the union and the City that the written authorizations are required to be maintained by the City, and they are working to coordinate the transfer of these documents to the City.

Spokane Firefighters Union and Spokane Firefighters Union PAC, PDC Case 9063

You alleged that Spokane Firefighters Union may have earmarked contributions by contributing to Spokane Firefighters Union PAC and Safest City Spokane PAC with a designation or instruction to pass the funds on to Spokane for Honest Government. Staff found no evidence to support this allegation. Thus, neither Spokane Firefighters Union PAC nor Safest City Spokane PAC was required to report the receipt of earmarked contributions in accordance with RCW 42.17A.270.

You alleged that Spokane Firefighters Union PAC may have violated RCW 42.17A.240 by listing the union's address for contributions received rather than the individual contributors' addresses. The Spokane Firefighters Union PAC stated they have been listing the union's office address for many years, and said they would begin using individual addresses if requested to do so. PDC staff has informed the PAC that they are required to list individual addresses unless they request, and are granted, a reporting modification by the Commission.

Safest City Spokane PAC, PDC Case 17789

You alleged that Safest City Spokane PAC may have violated RCW 42.17A.240 by listing the union's address for contributions received rather than the individual contributors' addresses. Safest City Spokane PAC stated they have been listing the union's office address for many years, and said they would begin using individual addresses if requested to do so. PDC staff has informed the PAC that they are required to list individual addresses unless they request, and are granted, a reporting modification by the Commission.

Under Allegation 2, you asked whether the City of Spokane or others may be in violation of RCW 42.17A.475, which requires contributions of more than \$100 to be made by using a written instrument containing the name of the donor and the name of the payee. Staff does not believe this section of law is relevant to the allegations in your complaint. Under Allegation 7, Minor Issues, Spokane for Honest Government acknowledged that they may have inadvertently included a partisan affiliation for candidates supported in a non-partisan race, on PDC form C-6.

Based on these initial findings, staff has determined that for the allegations described above, no evidence of a material violation was found warranting further investigation.

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

Gretchen McDevitt
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If you have questions, you may contact Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,



Philip E. Stutzman
Sr. Compliance Officer

Endorsed by:



Peter Lavalley
Executive Director

cc: Spokane Fire Department, Brian Schaeffer at bschaeffer@spokanecity.org
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