



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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October 17, 2016

Sheriff Brian Winter  
1822 S. 1<sup>st</sup> Street  
Yakima, WA 98903

Sent via email: [brian.winter@co.yakima.wa.us](mailto:brian.winter@co.yakima.wa.us)

Subject: PDC Case 8622—Use of Public Facilities for Campaign Advertising  
**Formal Written Warning**

Dear Sheriff Winter:

Enclosed is a copy of a letter sent to Kristi Evans concerning a complaint filed with the Public Disclosure Commission on October 4, 2016. The complaint alleged that the Yakima County Sheriff's Department (YCSD) may have violated RCW 42.17A.555 by allowing political advertisements, specifically campaign signs, to be posted on the YCSD Motor Pool fence.

As noted in the letter to Ms. Evans, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter, but I am sending you a warning.

RCW 42.17A.555 prohibits elected officials and public employees from using or authorizing "the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition." (Emphasis added.) The facilities of a public office or agency include "stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency." Public facilities would also include the buildings, grounds, and fences of the YCSD.

As the Sheriff, it is your responsibility to ensure that the fence and other facilities of your office are not used to support or oppose any campaign. There is a difference between public right of way areas along the road, and fences or other property that belong to the county. Allowing campaigns to place their signs on public facilities implies that there is support or opposition by the Sheriff, and that creates a perception of bias or favoritism, and impairs the public trust in your office.

Sheriff Brian Winter

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Your administrative assistant, Ms. Burkett, explained that the county's election's manager cited to RCW 29A.84.040 as the legal basis for the proposition that the county is not allowed to remove political signs once they have been placed on county premises. That is incorrect. RCW 29A.84.040 clearly applies only to "lawfully placed political advertising." Political advertising that is placed on public facilities, is not lawfully placed. You would certainly be able to remove signs that were not lawfully placed on the fence or other areas under the control of the Sheriff's office, and you should do so. Just as a school principal would be expected to remove political signs from school property, you and other county officials are expected to remove political signs and advertising from your facilities.

By allowing political signage on Sheriff's Department property you are creating the appearance of support for all candidates that populate the fence. Removing the signs removes any confusion in the mind of the public, and will bring you into compliance with state campaign laws and rules. In accordance with WAC 390-73-060(1)(b), this is a Formal Written Warning and a request to remove all political signs from public property under your control. If there are future violations of PDC laws or rule, the Commission will consider this Formal Written Warning in deciding on further Commission action.

If you have questions, you may respond to the email to which this letter is attached, or contact Jacob Berkey at 360-586-4555 or [Jacob.Berkey@pdc.wa.gov](mailto:Jacob.Berkey@pdc.wa.gov).

Sincerely,



Evelyn Fielding Lopez  
Executive Director

Enclosure: Kristi Evans