



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

September 14, 2016

Sound Transit
Attn: Robin K. Murphy, Senior Legal Counsel

by email only to: robin.murphy@soundtransit.org

Subject: PDC Complaint 5516 filed against Sound Transit

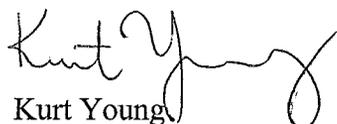
Dear Ms. Murphy:

Enclosed is a copy of a letter sent to Will Knedlik concerning a complaint he filed with the Public Disclosure Commission (PDC) on May 26, 2016, and a supplemental complaint he filed on July 4, 2016, alleging that Sound Transit violated RCW 42.17A.555.

As noted in the letter to Mr. Knedlik, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter.

If you have questions, you may contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by email at kurt.young@pdc.wa.gov.

Sincerely,


Kurt Young
PDC Compliance Officer

Endorsed by:


Evelyn Fielding Lopez
Executive Director

Enclosure: Letter to Will Knedlik



Faint handwritten text, possibly a signature or date.



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September 14, 2016

Sent electronically to Will Knedlik “wknedlik@aol.com”

Subject: Complaint filed against Officials of Sound Transit, PDC Case 5516

Mr. Knedlik,

The Public Disclosure Commission (PDC) has completed its review of a complaint you filed on May 26, 2016, and a supplemental complaint you filed on July 4, 2016. Your complaint alleged that officials of Sound Transit violated RCW 42.17A.555 by engaging in a *“long-running and increasingly egregious misappropriations of public facilities, public monies and other public resources funded by citizens as taxpayers...to support Sound Transit’s planned”* ST 3 tax proposal. Please note this letter does not address your August 20, 2016 email complaint you submitted to Evelyn Fielding Lopez on August 20, 2016, as explained in the email from Ms. Lopez.

PDC staff reviewed your allegations in light of PDC laws and rules in order to determine whether a formal investigation or enforcement action is warranted.

RCW 42.17A.555 states, in part: “No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize 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...The foregoing provisions of this section shall not apply to the following activities: (3) Activities which are part of the normal and regular conduct of the office or agency.”

Staff reviewed your two complaints, and the attached Sound Transit (ST) Board Motion No. M2015-74 concerning a proposed contract amendment with Enviroissues, Inc. Staff also reviewed: (1) A June 14, 2016 four-page response letter from Robin K. Murphy, ST’s Senior Legal Counsel; (2) An 11-page signed contract between ST and Enviroissues that included a four-page scope of work document; (3) A four-page January 22, 2016 letter from Phil Lovell, Chair of the ST Citizens Oversight Panel addressed to Dow Constantine, King County Executive and Chair of the ST Board; and (4) A July 20, 2016 one page letter from Ms. Murphy. Based on staff’s review, we found that:

- Ms. Murphy stated the complaints you filed contained “...many broad conclusory statements that we find difficult to understand and are sometimes unrelated to Sound Transit...” She stated ST disagrees with the allegations listed in the complaint, and that the complaints discussed issues that were unrelated to RCW 42.17A.555.

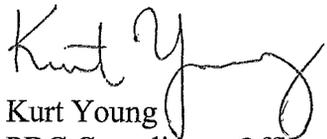
- Ms. Murphy added that the complaints included statements and information from elected officials that are not ST Board members, and from an “independent organization” that is not connected to ST.
- The ST 3 transit plan was adopted on June 23, 2016, and ST’s contract with Enviroissues was signed on August 23, 2013. The contract with Enviroissues was signed almost three years prior to the ST 3 plan being adopted, and covered a three-year period.
- The scope of Enviroissues work included public involvement in preparing and implementing ST’s Long Range Plan and ST3 options. The ST documents indicated that Enviroissues “...will play a key role in the ST3 Communications and Outreach team...” which includes “...planning, environmental compliance, public involvement, government and community relations, customer outreach, marketing, web development, graphic design, and the agency’s Speakers Bureau.”
- The documents you provided indicated that on August 13, 2015, the ST Capital Committee authorized the ST CEO to amend the contract with Enviroissues and increase the payments by \$560,000 for a new contract total that is not to exceed \$1.36 million.
- Ms. Murphy stated that at the time ST signed the contract with Enviroissues in 2013, ST “did not have a ballot measure or concrete projects to support or oppose.” She added that beginning in the summer of 2015, ST sought out “...public input on projects...for inclusion in the next regional transit plan” and that Enviroissues was extensively involved with that project.
- Ms. Murphy stated the contract with Enviroissues “...is to appropriately support public involvement to inform the ST Board as it develops the transit plan; and to disseminate neutral information as part of...” ST’s normal and regular conduct.
- The January 22, 2016 letter from the Citizens Oversight Panel (COP) indicated this was the 19th year that COP reported to the ST Board and began by stating that the upcoming year will be eventful with ST2 continuing on towards completion and “the Agency develops its final package of proposals for ST3 to present to voters in November of 2016...”
- The majority of the letter addressed ST’s 2015 major accomplishments (including the opening of two major light rail extensions, Capital Programs, operating costs and ridership increases, public involvement, and Agency coordination) and areas of concern (Local Transit Service and Park-and-Ride lots, Sounder North Benchmarks, and I-90 Track Design).
- Ms. Murphy stated “As with the original complaint, most of the addendum contains sweeping statements alleging that Sound Transit is withholding facts or intentionally misleading the public” without providing any specific details.

No evidence was provided of any actual work conducted by Enviroissues that supported the ST3 ballot measure, or that ST used the facilities to support the ST3 ballot measure. For these reasons, the PDC will not be conducting a more formal investigation into your complaint or pursuing enforcement action in this case.

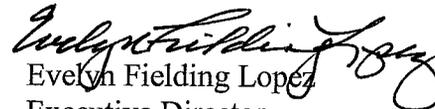
Thank you for bringing this matter to our attention. The process relies on citizens monitoring campaign activity to promote full compliance with the law. Your actions will contribute to better awareness of campaign restrictions and prohibitions.

If you have questions, you may contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,


Kurt Young
PDC Compliance Officer

Endorsed by:


Evelyn Fielding Lopez
Executive Director

cc: Robin Murphy

1912

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1912

This receipt is valid only when
signed by the Treasurer of the
Board of Education

Witness my hand and seal this
1st day of January 1912

[Handwritten Signature]

1912