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**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action Against:	PDC CASE NO. 12-160
Aaron Reardon	FINAL ORDER
Respondent.	

**I. INTRODUCTION**

This matter was heard by the Washington State Public Disclosure Commission (PDC) on April 28, 2016 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to RCW 34.05, 42.17A, and WAC 390-37. The proceeding was open to the public, recorded, and videotaped.

Commissioners, Katrina Asay, Chair and Anne Levinson, Vice Chair and John Bridges were present. Assistant Attorney General Chad Standifer presented the matter on behalf of PDC staff. Neither the Respondent nor his counsel, Jim Johanson, appeared, having filed Respondent’s Memorandum of Submission of Evidence in Lieu of Appearing at the PDC and having waived their appearance at the scheduled hearing.

The PDC had before it the following materials:

1. Notice of Administrative Charges dated December 2, 2015;
2. Report of Investigation and attached Exhibits 1–30, dated December 1, 2015;
3. Respondent’s Motion to Dismiss and in the Alternative Motion for Summary

Judgment, and attached exhibits.



1           4.       On December 2, 2015, the PDC issued a Notice of Administrative Charges to  
2 Aaron Reardon alleging that he violated former RCW 42.17.130 by using Snohomish County  
3 facilities to assist his 2011 re-election campaign.

4           5.       Aaron Reardon hired Colby Underwood as a campaign consultant to assist his  
5 2011 re-election effort. Mr. Reardon had previously hired Mr. Underwood to assist in his other  
6 campaigns. Mr. Underwood was to provide consulting services to Mr. Reardon in the area of  
7 fundraising support. Mr. Reardon's campaign reported expenditures totaling \$41,417.92 to  
8 Colby Underwood Consulting, LLC.

9           6.       Colby Underwood had no official role within Snohomish County government.  
10 He was not under contract with Snohomish County. Nor was he being paid by Snohomish  
11 County.

12          7.       Aaron Reardon's re-election campaign also hired TR Strategies Political  
13 Consultants to provide campaign services for Mr. Reardon's 2011 re-election, including  
14 providing development of a voter contact strategy and general mail/media campaign plan;  
15 general voter analysis and targeting recommendations; theme and message development/follow  
16 through; design and development of print and electronic media collateral; coordination and  
17 negotiation for development and production of campaign collateral; travel and telephone  
18 expenses. Mr. Reardon's 2011 re-election campaign reported expenditures totaling \$81,639.92  
19 to TR Strategies.

20          8.       Terry Thompson of TR Strategies had no official role within Snohomish County  
21 government. He was not under contract with Snohomish County. Nor was he being paid by  
22 Snohomish County.

23          9.       Aaron Reardon's 2011 re-election campaign also hired Fletcher Rowley, Inc. to  
24 assist his campaign with broadcast advertising. Mr. Reardon's 2011 re-election campaign  
25 reported expenditures totaling \$129,220.02 to Fletcher Rowley, Inc.  
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1           10.     John Rowley of Fletcher Rowley, Inc. had no official role within Snohomish  
2 County government. He was not under contract with Snohomish County. Nor was he being  
3 paid by Snohomish County.

4           11.     Mr. Reardon's 2011 re-election campaign also reported expenditures of  
5 \$17,608.76 to Zachery Shelton for campaign management services.

6           12.     Zachery Shelton had no official role within Snohomish County government. He  
7 was not under contract with Snohomish County. Nor was he being paid by Snohomish County.

8           13.     Between December 2010 and November 2011, Mr. Reardon used his county-  
9 issued cell phone to make and receive 3,019 minutes of telephone calls, and to send or receive  
10 1,186 text messages, to Colby Underwood and other campaign consultants he was working with  
11 including Terry Thompson of TR Strategies, John Rowley of Fletcher Rowley, Inc., and Zachery  
12 Shelton.

13           14.     Some of these calls resulted in an overcharge fee of \$141.25 which was billed to  
14 and paid by, Snohomish County.

15           15.     Between November 2008 and December 2010, Aaron Reardon made or received  
16 only 16 calls involving these consultants.

17           16.     Mr. Reardon contends that none of these telephone discussions were related to  
18 his 2011 re-election campaign and all of his conversations with his political consultants were  
19 about issues related to his occupation as Snohomish County Executive.

20           17.     The PDC finds that Mr. Reardon's explanation regarding these phone calls is not  
21 credible.

22           18.     The PDC finds that Mr. Reardon used his county issued cell phone to assist his  
23 2011 re-election campaign.

24           19.     Aaron Reardon met with Mr. Underwood in his executive office between January  
25 2011 and October 2011.

1           20.     While Snohomish County staff confirmed seeing Mr. Underwood in  
2 Mr. Reardon's office or in the county building, none confirmed hearing Mr. Reardon and  
3 Mr. Underwood discussing campaign activities.

4           21.     Mr. Reardon and Mr. Underwood confirmed that no campaigning took place in  
5 the Executive Office, and that they would leave to discuss campaign activities.

6           22.     Aaron Reardon hired Kevin Hulten to work as an Executive Analyst with  
7 Snohomish County on January 18, 2011. As an Executive Analyst, Mr. Hulten's basic function  
8 was to review and track items submitted by county departments to the Executive's Office which  
9 required Executive and/or Council approval. He was hired to work on constituent and legislative  
10 issues on behalf of the Executive Office.

11          23.     Mr. Hulten's normal work hours were from 8 am to 5 pm Monday through Friday  
12 but could vary according to his work responsibilities. He was considered a management exempt  
13 employee. He reported directly to Gary Haakenson, Deputy Executive.

14          24.     Mr. Hulten was issued a Snohomish County laptop and cell phone.

15          25.     Documents recovered from Kevin Hulten's Snohomish County laptop establish  
16 that between February and October 2011, Mr. Hulten used his county issued computer to engage  
17 in extensive opposition research regarding Mr. Reardon's 2011 re-election opponent and in  
18 furtherance of Mr. Reardon's 2011 re-election campaign. The document properties establish  
19 that Mr. Hulten worked on these documents during his normal working hours.

20          26.     Although Mr. Reardon was not Mr. Hulten's direct supervisor, he did have a  
21 supervisory role over Mr. Hulten. On at least one occasion, Mr. Reardon rewrote a negative  
22 evaluation of Mr. Hulten.

23          27.     Mr. Reardon failed to monitor and prevent Mr. Hulten's campaign activities  
24 which furthered his own campaign and that occurred while Mr. Hulten was working for the  
25 Snohomish County Executive Office.

1 **III. CONCLUSIONS OF LAW**

2 1. The Commission has jurisdiction to hear this matter pursuant to  
3 RCW 42.17A.755.

4 2. RCW 42.17.130 provides

5 No elective official nor any employee of his [or her] office nor any person  
6 appointed to or employed by any public office or agency may use or  
7 authorize the use of any of the facilities of a public office or agency, directly  
8 or indirectly, for the purpose of assisting a campaign for election of any  
9 person to any office or for the promotion of or opposition to any ballot  
10 proposition. Facilities of a public office or agency include, but are not  
limited to, use of 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. However, this does not apply to the  
following activities:

11 (1) Action taken at an open public meeting by members of an elected  
12 legislative body or by an elected board, council, or commission of a  
13 special purpose district including, but not limited to, fire districts, public  
hospital districts, library districts, park districts, port districts, public  
14 utility districts, school districts, sewer districts, and water districts, to  
express a collective decision, or to actually vote upon a motion,  
15 proposal, resolution, order, or ordinance, or to support or oppose a ballot  
16 proposition so long as (a) any required notice of the meeting includes  
the title and number of the ballot proposition, and (b) members of the  
legislative body, members of the board, council, or commission of the  
special purpose district, or members of the public are afforded an  
17 approximately equal opportunity for the expression of an opposing  
view;

18 (2) A statement by an elected official in support of or in opposition to  
19 any ballot proposition at an open press conference or in response to a  
specific inquiry;

20 (3) Activities which are part of the normal and regular conduct of the  
office or agency.

21 3. The PDC Staff has the burden of proving a violation of former RCW 42.17.130  
22 by a preponderance of the evidence.

23 4. PDC Staff met its burden of proving that the Respondent violated former  
24 RCW 42.17.130 by the use of his county issued phone in furtherance of his 2011 re-election  
25 campaign, and by failing to monitor and prevent Mr. Hulten, a Snohomish County employee,  
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1 from conducting campaign activities during normal work hours and from using of his county  
2 issued laptop in furtherance of Mr. Reardon's 2011 re-election campaign.

3 5. PDC Staff did not meet its burden of proving that Respondent violated former  
4 RCW 42.17.130 by use of his Executive Office in furtherance of his 2011 re-election campaign.

5 **IV. ORDER**

6 Based upon the findings and conclusion that a violation occurred, the Commission  
7 orders:

8 1. The Respondent is assessed a civil penalty of \$4,200 which is payable within  
9 30 days of the date of this order.

10 The Executive Director is authorized to enter this order on behalf of the Commission.

11 So ORDERED this 9th day of May, 2016.

12 WASHINGTON STATE PUBLIC  
13 DISCLOSURE COMMISSION  
14 FOR THE COMMISSION:

15   
16 Evelyn Fielding Lopez  
17 Executive Director

18 *Copy of this Order to:*  
19 Aaron Reardon, Respondent  
20 Jim Johanson, Attorney for Respondent  
21 Chad Standifer, AAG, Attorney for PDC Staff

22 *And by email to:*

23 jim@johansonlaw.com  
24 chads@atg.wa.gov

25 I, Evelyn Fielding Lopez certify that I  
26 mailed a copy of this order to the  
Respondent/Applicant at his/her respective  
address postage pre-paid on the date stated  
herein.

1 NOTICE: RECONSIDERATION

2 PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY  
3 FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE  
4 (21) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY  
5 REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR  
6 THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE  
7 WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY,  
8 ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.

6 NOTICE: PETITION FOR JUDICIAL REVIEW

7 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,  
8 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW  
9 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE  
10 FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND  
11 THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE  
12 DATE THIS FINAL ORDER IS SERVED UPON YOU.

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