



**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.pdcc.wa.gov

December 18, 2018

Delivered electronically to "johnpatkelly@aol.com"

Subject: PDC Case 42325

Dear John Kelly:

Below is a copy of an electronic letter sent to Larry Seaquist concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted below to Larry Seaquist, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter

PDC staff is reminding you about the importance of clarifying that you are not speaking on behalf of an agency when using your title to endorse a political candidate.

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s _____
Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director

For Peter Lavallee
Executive Director



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December 18, 2018

Delivered electronically to "larryseaquist@comcast.net"

Subject: Complaint regarding John Kelly, PDC Case 42325

Dear Larry Seaquist:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 16, 2018. Your complaint alleged that John Kelly, Parks Commissioner for the Key Peninsula Metro Park, may have violated RCW 42.17A.555 for using public facilities to support a political candidate.

PDC staff reviewed your allegations, the statutes and rules, the campaign flyer, and the response from Parks Commissioner John Kelly. As a result of staff's review, we found the following:

- On February 21, 2017, Jesse Young filed a Candidate Registration (C-1 report) declaring his candidacy for State Representative for Legislative District 26. Jesse Young won the General Election with 36,120 votes (51.87%).
- A flyer paid for by the Washington State Republican Party, contained an endorsement from Parks Commissioner John Kelly which encouraged a vote for Jesse Young. The flyer provided supportive commentary about Jesse Young and was phrased from the

perspective of John Kelly as chair of the Democratic Party as well as from his role as an elected Parks Commissioner.

- John Kelly provided a response which included the following assertions: "My endorsement of Representative Young came without any promises or future consideration. It is my understanding that it is within my right to endorse any candidate I choose. My endorsement was based on the qualifications and past performance of the candidate."
- PDC Interpretation 04-02 states: "An appointed official may use his or her title, but should clarify that he/she is speaking on his/her own behalf, and not on behalf of the agency."
- The overall commentary in the flyer by John Kelly implies that it is personal endorsement of Jesse Young and not an endorsement from a public agency. However, the flyer also contains language which could be misinterpreted as John Kelly speaking on behalf of the parks commission by using the terms "we" and "us" when referring to Jesse Young's ability to "find the money we need to get these projects done" and "he's kept his word to us every time!"
- John Kelly included his Parks Commissioner title in the flyer, which is authorized, but he did not expressly clarify that the endorsement is speaking on his own behalf, and not on behalf of the agency.

Based on these initial findings, staff has determined that in this instance, the use of a public facilities does not amount to a material violation warranting further investigation since: (1) No public resources or funds were used to support a political campaign or distribute the flyers. (2) The flyer made no mention of the Key Peninsula Metro Park, which is the agency that John Kelly serves as Parks Commissioner. (3) The overall structure and language of the flyer implies a personal endorsement, even though some word choices could be misinterpreted. (4) Elected officials are authorized to use their title if it is not on behalf of the agency and does not use public facilities.

PDC staff is reminding Parks Commissioner John Kelly about the importance of clarifying that he is not speaking on behalf of the agency when using his title to endorse a political candidate. Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1), and will not be conducting a more formal investigation into your complaint or

pursuing further enforcement action in this case.

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s _____
Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: John Kelly