



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

Puget Sound Partnership  
Michael Grayum, Director of Public Affairs  
210 11<sup>th</sup> Ave SW Suite 401  
Olympia, WA 98501

In Re the Matter of	)	PDC Case No. 11-031
Puget Sound Partnership	)	Findings of Fact,
	)	Conclusions of Law and
Respondent.	)	<b>Order Imposing Fine</b>
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A brief enforcement hearing (brief adjudicative proceeding) was held February 28, 2011, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Puget Sound Partnership violated RCW 42.17.190 by failing to timely file reports of Lobbying by State and Local Government Agencies (PDC Form L-5), disclosing lobbying activities during calendar year 2009, and the first quarter of 2010.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Dave Seabrook was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. Michael Grayum, Director of Public Affairs, and Marc Daily, Acting Deputy Director for the Puget Sound Partnership, appeared in person and presented testimony to the Presiding Officer.

A brief enforcement hearing notice was sent to Mr. Grayum on February 17, 2011. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a Washington State agency created in 2008 that works with local, state and federal governments, tribes, scientists and businesses to restore and protect Puget Sound.
2. The Respondent filed six L-5 reports on July 30, 2010, disclosing state agency lobbying activities undertaken during calendar year 2009, and the first two quarters of 2010, totaling \$5,150 for agency employee time spent lobbying the Legislature. The Respondent did not retain the services of a contract lobbyist during calendar years 2009 and 2010.

3. Five of the six L-5 reports were filed by the Respondent between 91 and 456 days late, and disclosed \$4,600 for previously unreported time spent lobbying by Puget Sound Partnership employees.
4. The L-5 report was filed for the first quarter of 2009 by the Respondent on July 30, 2010, 456 days late, disclosing agency lobbying expenses totaling \$1,886 for time spent lobbying by two partnership employees. The L-5 report was due to be filed by April 30, 2009.
5. The L-5 report was filed for the second quarter of 2009 by the Respondent on July 30, 2010, 364 days late, disclosing agency lobbying expenses totaling \$275 for time spent lobbying by two partnership employees. The L-5 report was due to be filed by July 31, 2009.
6. The L-5 report was filed for the third quarter of 2009 by the Respondent on July 30, 2010, 272 days late, disclosing agency lobbying expenses totaling \$550 for time spent lobbying by two partnership employees. The L-5 report was due to be filed by October 31, 2009.
7. The L-5 report was filed for the fourth quarter of 2009 by the Respondent on July 30, 2010, 180 days late, disclosing agency lobbying expenses totaling \$867 for time spent lobbying by two partnership employees. The L-5 report was due to be filed by January 11, 2010.
8. The L-5 report was filed for the first quarter of 2010 by the Respondent on July 30, 2010, 91 days late, disclosing agency lobbying expenses totaling \$1,024 for time spent lobbying by two partnership employees. The L-5 report was due to be filed by April 30, 2010.
9. Mr. Grayum stated the Respondent self-reported the late-filed L-5 reports to the PDC in July of 2010, prior to the complaint being filed. He said the L-5 reports had been created by Puget Sound Partnership staff, but not submitted to the PDC.
10. Mr. Grayum said since becoming aware of the complaint and the L-5 reporting discrepancy, Puget Sound Partnership has enacted an internal process to ensure the timely filing of future L-5 reports.

#### CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17.190 by failing to timely file five L-5 reports disclosing lobbying expenditures for agency employee time spent lobbying during calendar year 2009 and the first quarter of 2010.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$200, of which the entire \$200 is suspended on the condition that no violations of RCW 42.17 are committed for the next four years from the date of the order.**

This is an **Initial Order** of the Public Disclosure Commission. There are two ways the Respondent may appeal this order to the Commission. Once the order becomes a final order, it may also be appealed to Superior Court.

**REVIEW OF INITIAL ORDER - COMMISSION**

- a. The Respondent may request a review of this Initial Order by the entire Commission.
- b. The request may be made orally or in writing, and must be received at the Public Disclosure Commission office within **21 business days** after the postmark date of this Initial Order. The Respondent must state the reason for the review, and identify what alleged errors are contained in the initial order.
- c. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.
- d. By law, a request for review of the initial order is deemed to have been denied if the Commission does not make a disposition of the matter within 20 business days after the request is submitted.
- e. If the Commission is unable to schedule a meeting to consider the Respondent's request for review within 20 business days, the Initial Order becomes a Final Order and the matter will automatically be treated as a request for reconsideration of a final order unless the Respondent advises the Commission otherwise. The matter will be scheduled before the full Commission as soon as practicable.
- f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 business days, the request must now be put in writing. (See Reconsideration of Final Order below.)
- g. If no request for review is received within 21 business days, this order will automatically become a **Final Order** of the Commission, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 42.17.395, RCW 34.05.470 and RCW 34.05.570).

**RECONSIDERATION OF FINAL ORDER - COMMISSION**

- a. Any party may ask the Commission to reconsider a final order. The request must be in writing and must include the specific grounds or reasons for the request. Grounds for reconsideration shall be limited to:
  - i) A request for review was deemed denied in accordance with WAC 390-37-144(4);

- ii) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or
  - iii) Significant typographical or ministerial errors in the order.
- b. The request must be delivered to the Public Disclosure Commission office within **21 business days** after the postmark date of this order.
  - c. The Public Disclosure Commission is deemed to have denied the request for reconsideration if, within 20 business days from the date the request is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. (RCW 34.05.470).
  - d. The Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court. (RCW 34.05.470).

#### **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

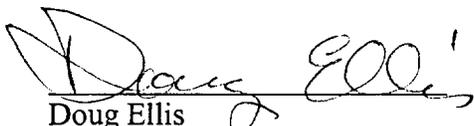
- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this Final Order on the parties. (RCW 34.05.542(2)).
- c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

#### **ENFORCEMENT OF FINAL ORDERS**

- a. If there is no timely request for review or reconsideration, this Initial Order becomes a Final Order. The Respondent is legally obligated to pay any penalty assessed.
- b. The Commission may seek to enforce a final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

Entered this 9<sup>th</sup> day of March, 2011.

Public Disclosure Commission

  
Doug Ellis  
Interim Executive Director