

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

In the Matter of Enforcement Action  
Against:

Port of Seattle

Respondent.

Case No. 11-032

**STIPULATION AS TO FACTS,  
VIOLATIONS AND PENALTY**

The parties hereto, the Public Disclosure Commission Staff, through its Interim Executive Director, Doug Ellis, and Respondent Port of Seattle, through its General Counsel, Craig Watson, submit this Stipulation as to Facts, Violations and Penalty in this matter.

**JURISDICTION**

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.

**FACTS**

1. Respondent Port of Seattle was created in September, 1911, by approval of King County voters. The Port's scope includes a cargo and passenger seaport and airport, home for the North Pacific fishing fleet, public marinas and conference facilities, and parks around Elliot Bay.
2. On January 14, 2011, Port of Seattle filed 23 L-5 reports, 18 of which covered the last three quarters of calendar year 2006, all of 2007, 2008, and 2009, and the first three quarters of 2010. The reports were filed in response to a complaint received by the Public Disclosure Commission (PDC) on July 28, 2010, alleging that Respondent Port of Seattle had failed to file "Reports of Lobbying by State and Local Government Agencies" (PDC Form L-5). The L-5 reports were due by the last day of the calendar month immediately following the three-month calendar quarter covered

by the report. The 18 L-5 reports were filed between 62 days and more than four years late.

3. The 18 late-filed L-5 reports disclosed reportable lobbying expenses totaling \$269,900. However, of this amount, \$233,708 represented payments for lobbying services previously reported in a timely manner by the Port's contract lobbyist on Monthly Lobbyist Expense Reports (PDC Form L-2) as payments received from the Port of Seattle.
4. The 18 late-filed L-5 reports disclosed \$36,192 in previously un-reported expenses, consisting of \$33,801 for time spent lobbying by Port of Seattle employees, \$1,500 for brochures and publications, the principal purpose of which was to influence legislation during the first quarter of 2009, and \$891 for employee lobbying-related travel costs.

#### LEGAL AUTHORITY

5. **RCW 42.17.020(31)** states: “ ‘Lobby’ and ‘lobbying’ each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW....”
6. **RCW 42.17.190(5)(a)-(c)** provides, in relevant part: “Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission . . . quarterly statements providing the following information for the quarter just completed:
  - (a) The name of the agency filing the statement;
  - (b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;
  - (c) A listing of expenditures incurred by the agency for lobbying including but not

limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

### VIOLATIONS

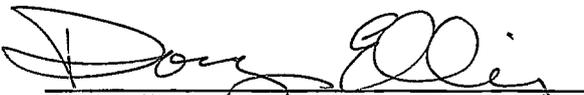
Respondent committed multiple violations of RCW 42.17.190 by failing to timely file Reports of Lobbying by State and Local Government Agencies (PDC Form L-5), disclosing lobbying activities undertaken during the last three quarters of calendar year 2006, all of 2007, 2008, and 2009, and the first three quarters of 2010.

### PENALTY

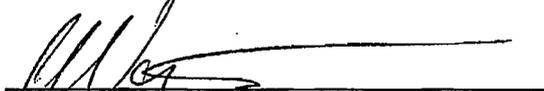
Based upon the stipulated facts and violations set forth above, Respondent agrees to pay a total civil penalty of \$7,500 with \$3,750 suspended on the following conditions:

1. Respondent is not found to have committed further violations of RCW 42.17 within four years from the date of the entry of the Commission's Final Order in this matter;
2. Payment of the non-suspended portion of the penalty (\$3,750) is made within 60 days from the date of entry of the Commission's Final Order in this matter.

Respondent affirms its intention to comply in good faith with the provisions of RCW 42.17 and the public agency lobbying reporting requirements in the future.

  
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Doug Ellis, Interim Executive Director  
Public Disclosure Commission

5/18/2011  
Date Signed

  
\_\_\_\_\_  
Craig Watson  
General Counsel  
Port of Seattle

5/18/2011  
Date Signed