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

In the Matter of Enforcement Action Against:  
Port of Seattle  
  
Respondent

PDC CASE NO. 11-032  
FINAL ORDER

This matter came before the Washington State Public Disclosure Commission on May 26, 2011 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Dave Seabrook, Commission Chair; Jim Clements, Member; and Jennifer Joly, Member. Also present were PDC Director of Compliance Phil Stutzman; Senior Port Counsel Traci Goodwin and State Government Relations Manager Clare Gallagher, on behalf of Respondent Port of Seattle; PDC Interim Executive Director Doug Ellis; and Nancy Krier, General Counsel for the Commission. The proceeding was open to the public and was recorded.

The Respondent is a public agency. This matter resulted from a complaint that alleged that Respondent violated RCW 42.17.190 by failing to file "Reports of Lobbying by State and Local Government Agencies" (PDC Form L-5) disclosing agency lobbying activities undertaken during several years.

PDC Staff submitted to the Commission a cover memo from Mr. Stutzman dated May 18, 2011; a Notice of Administrative Charges dated May 9, 2011; a Report of Investigation dated March 29, 2011 (with exhibits); and, a spreadsheet summarizing penalties assessed in comparable cases. The parties submitted to the Commission a proposed Stipulation as to Facts, Violations and Penalty (Stipulation) dated May 18, 2011.

1 Mr. Stutzman summarized the proposed Stipulation and the staff recommendation to  
2 accept the Stipulation. Ms. Gallagher addressed the Commission.

3 The Commission voted 2-1 to accept the Stipulation.

4 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

5 Based upon the Stipulation, which is hereby attached and incorporated by reference,  
6 the Commission finds:

7 1. The Jurisdiction, Facts, Legal Authority, Violations and Penalty are  
8 established as provided in the Stipulation.

9 2. The Respondent committed multiple violations of RCW 42.17.190, as  
10 provided in the Stipulation.

11 **II. ORDER**

12 Based upon the findings and conclusions, the Commission orders that:

13 1. The Stipulation is accepted.

14 2. The Respondent is assessed a civil penalty of \$7,500. Of the total penalty  
15 amount, \$3,750 will be suspended on the following conditions:

16 a. That the Respondent is found not to have committed further violations of  
17 RCW 42.17 within four years from the date of the entry of the Commission's Final Order in  
18 this matter;

19 b. Payment of the non-suspended portion of the penalty (\$3,750) is made  
20 within 60 days of the date of this Final Order in this matter.

21  
22 **III. APPEALS**

23 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

24 Any party may ask the Commission to reconsider this final order. Parties must  
25 place their requests for reconsideration in writing, include the specific grounds or reasons  
26 for the request, and deliver the request to the Public Disclosure Commission Office within  
**TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order

1 upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished  
2 on the date of mailing by U.S. mail if the order is mailed, or the date of personal service if  
3 personal service is made. RCW 34.05.010(19). The Commission orders are generally  
4 mailed via U.S. mail.  
5

6 Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have  
7 denied the petition for reconsideration if, within twenty (20) business days from the date the  
8 petition is filed, the Commission does not either dispose of the petition or serve the parties  
9 with written notice specifying the date by which it will act on the petition. Pursuant to  
10 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure  
11 Commission to reconsider the final order before seeking judicial review by a superior court.  
12

### 13 FURTHER APPEAL RIGHTS – SUPERIOR COURT

14 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure  
15 Commission is subject to judicial review under the Administrative Procedure Act, chapter  
16 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW  
17 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston  
18 County or the petitioner’s county of residence or principal place of business. The petition  
19 for judicial review must be served on the Public Disclosure Commission and any other  
20 parties within **30 days** of the date that the Public Disclosure Commission serves this final  
21 order on the parties. RCW 34.05.542 (4) provides: “Service of the petition on the agency  
22 shall be by delivery of a copy of the petition to the office of the director, or other chief  
23 administrative officer or chairperson of the agency, at the principal office of the agency.  
24 Service of a copy by mail upon the other parties of record and the office of the attorney  
25  
26

1 general shall be deemed complete upon deposit in the United States mail, as evidenced by  
2 the postmark.”

3 If reconsideration is properly sought, the petition for judicial review must be served  
4 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
5 Commission acts on the petition for reconsideration.  
6

7 **IV. ENFORCEMENT OF FINAL ORDERS**

8 The Commission may seek to enforce this final order in superior court under RCW  
9 42.17.395-.397, and recover legal costs and attorney’s fees, if the penalty remains unpaid  
10 and no petition for judicial review has been filed under chapter 34.05 RCW. This action  
11 will be taken without further order by the Commission.  
12

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

15 So ORDERED this 1<sup>st</sup> day of June, 2011.

16 WASHINGTON STATE PUBLIC  
17 DISCLOSURE COMMISSION

18 FOR THE COMMISSION:

19 

20 DOUG ELLIS  
Interim Executive Director

21 *ATTACHMENT:* Stipulation as to Facts, Violations and Penalty (dated May 18, 2011)

22 *Copy of this Final Order to:*

23 Craig Watson  
24 General Counsel  
25 Port of Seattle Legal Department  
26 PO Box 1209  
Seattle, WA 98111-1209

1 I, \_\_\_\_\_, certify that I mailed a copy of this order to the  
2 Respondent at its respective address, postage prepaid, on the date stated herein.

3 \_\_\_\_\_  
4 **Signature**

\_\_\_\_\_ **Date**

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**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
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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

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:

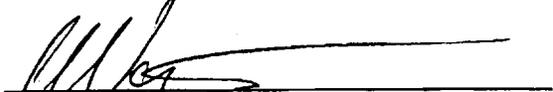
1. Respondent is not found to have committed further violations of RCW 42.17 within four years from the date of the entry of the Commission's Final Order in this matter;
2. Payment of the non-suspended portion of the penalty (\$3,750) is made within 60 days from the date of entry of the Commission's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



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