



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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

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In the Matter of Enforcement Action  
Against:

Bob Heuer, City of Castle Rock Police  
Chief

Respondent.

PDC Case No. 12-125

Notice of Administrative Charges

IT IS ALLEGED as follows:

**I. Jurisdiction**

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

**II. Allegations**

2. Staff alleges that Bob Heuer, City of Castle Rock Police Chief, violated RCW 42.17.130 by using, or authorizing the use of, City of Castle Rock facilities in the taping of a political advertisement that opposed Initiative 1183 (I-1183), a statewide ballot proposition concerning public retail sales of liquor, beer, wine, and spirits, on the 2011 general election ballot. Chief Heuer assisted in staging a City of Castle Rock patrol vehicle with its roof lights flashing as part of the background scene for the video political advertisement sponsored by Protect Our Communities, the political committee known as No on I-1183. During the taping of the ad in which he appeared, Chief Heuer wore a full, short-sleeved, class "A" uniform, and a badge on his uniform shirt, that were purchased by the City of Castle Rock.

### **III. Background and Facts**

3. Bob Heuer has been the City of Castle Rock Police Chief since 2001. Prior to accepting that position, Chief Heuer was a commissioned officer with the City of Kalama, Washington, dating back to 1992.
4. On August 30, 2011, at the request of a local Castle Rock businessman active in the No on I-1183 campaign, Chief Heuer participated in the videotaping of a political ad sponsored by Protect Our Communities. The ballot measure passed in the 2011 general election.
5. The ads aired statewide and appeared on several television stations, including stations in the Seattle area from September 6, 2011 through September 26, 2011, and on stations in the Spokane and Yakima areas from September 27, 2011 through October 2, 2011.
6. PDC staff viewed the ad as a video posted on the Protect Our Communities website, protectourcommunities.com. PDC staff also viewed the ad as a video posted on the website, youtube.com. The video was 31 seconds in length. Chief Heuer appeared in the third segment of the video for four seconds, and stated, *"Including mini-marts and gas stations who sell alcohol to one out of four minors."* Chief Heuer appeared again in the last segment of the video for two seconds saying, *"That's still too risky for our kids."*
7. Chief Heuer appeared in the political advertisement wearing a full, short-sleeved, class "A" uniform that was purchased by the City of Castle Rock. A portion of the left shoulder patch was visible in the ad, and the word "Castle" was readable.
8. Chief Heuer also wore a badge that was visible in the political advertisement, but not readable. Chief Heuer acknowledged that the badge was issued by the City of Castle Rock and is considered to be city property.
9. At the request of the production company, Chief Heuer agreed to provide a patrol car for the video background. Chief Heuer asked Officer Brandon McNew to wash his patrol vehicle, and then bring it to the middle school. At the request of the production company, Officer

McNew turned on the vehicle's emergency lights. At the request of the production company, Chief Heuer agreed to stand in front of Officer McNew's City of Castle Rock Police Department marked patrol vehicle during the videotaping of the political advertisement.

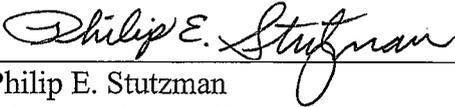
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#### IV. LAW

**RCW 42.17.130** states: No elective official nor any employee of his [or her] office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot 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:

- (1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot 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 approximately equal opportunity for the expression of an opposing view;
- (2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;
- (3) Activities which are part of the normal and regular conduct of the office or agency.

RESPECTFULLY SUBMITTED this 1st day of March 2012.

  
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Philip E. Stutzman  
Director of Compliance