

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

IN THE MATTER OF ENFORCEMENT  
ACTION AGAINST:

Mark Anderson, Associate Superintendent for  
School Support Services, Spokane School  
District No. 81; Spokane School District  
Officials and Employees

Respondents.

PDC CASE NO. 12-145

FINAL ORDER

This matter came before the Washington State Public Disclosure Commission (PDC) on February 27 and April 24, 2014 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington. Those present included Amit Ranade, Commission Chair; Grant Degginger, Vice Chair;<sup>1</sup> Kathy Turner, Member;<sup>2</sup> and Katrina Asay, Member. Also present were: Paul Clay, attorney on behalf of the Respondent (by telephone);<sup>3</sup> Phil Stutzman, PDC Director of Compliance and Tony Perkins, PDC Lead Compliance Specialist on behalf of PDC Staff; PDC Executive Director Andrea McNamara Doyle; and Linda A. Dalton, Senior Assistant Attorney General for the Commission. The proceedings were open to the public and recorded.

Respondent Dr. Mark Anderson held the position Associate Superintendent for School Support Services for Spokane School District No. 81 during the time relevant to the alleged violations. This matter resulted from an allegation that the Respondent violated RCW 42.17.130 by using or authorizing the use of Spokane School District No. 81 facilities for the purpose of assisting the 2011 campaign of Deanna Brower for Spokane School Director, or for the

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<sup>1</sup> Present only on April 24, 2014.

<sup>2</sup> Present only on February 27, 2014.

<sup>3</sup> Present only on February 27, 2014.

promotion of ballot propositions in the March 10, 2009 and/or February 14, 2012 special elections.

PDC Staff submitted to the Commission a Report of Investigation (with exhibits) dated February 13, 2014 from Mr. Perkins, and a Memorandum dated February 20, 2014 from Mr. Stutzman and Mr. Perkins addressing the allegations against Dr. Anderson and several other Spokane School District No. 81 officials and employees.

### **Stipulation**

The parties jointly submitted a proposed Stipulation as to Facts, Violations, and Penalty (Stipulation) signed by counsel on behalf of Respondent Anderson and by Ms. McNamara Doyle on behalf of PDC staff. The Stipulation was provided to the Commission with a memorandum from Phil Stutzman and Tony Perkins dated February 20, 2014 and a summary of comparable cases.

On February 27, 2014, the parties made oral presentations and jointly requested that the Commission accept the Stipulation with Dr. Anderson, and dismiss the other allegations against other school district officials and employees not charged by PDC staff as violations, as detailed in staff's February 20, 2014 memorandum. The Commission voted 3-0 to dismiss the allegations not charged by PDC staff as violations; to accept the Stipulation of facts and violation concerning Dr. Anderson; and to modify the stipulated penalty to \$1,000 with \$500 suspended on the condition that Respondent Anderson is not found to have committed any violations of RCW 42.17A for a period of four years from the date of entry of the Commission's Final Order in this matter. The Commission directed staff to bring the matter before them at a future meeting, to report on the parties' agreement to the Commission's modification to the penalty portion of the Stipulation.

At the Commission's April 24, 2014 meeting, Mr. Stutzman presented a letter dated March 13, 2014 from Mr. Clay on behalf of Respondent Anderson, and a memorandum dated April 17, 2014 from Ms. McNamara Doyle agreeing to the Commission's modified penalty. The Commission voted 3-0 to accept the modified Stipulation of facts, violation, and penalty.

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

Based upon staff's February 20, 2014 memorandum and the Stipulation as modified by the Commission, which are hereby attached and incorporated by reference, the Commission finds and concludes:

1. The Jurisdiction, Facts, Legal Authority, and Violations are established as provided in the Stipulation.
2. Respondent Anderson violated RCW 42.17.130 as provided in the Stipulation.
3. A civil penalty of \$1,000 with \$500 suspended on the conditions enumerated below, is an appropriate resolution of this matter with respect to Respondent Anderson.

## **II. ORDER**

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

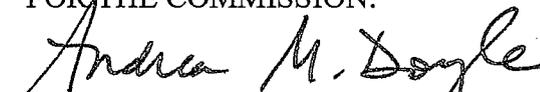
1. The modified Stipulation is accepted.
2. Respondent Anderson is assessed a civil penalty of \$1,000 for the stipulated violation. Of the total penalty amount, \$500 is suspended based on Respondent's compliance with the following conditions:
  - a. Respondent is not found to have committed further violations of RCW 42.17A within four years from the date of the entry of the Commission's Final Order in this matter; and

- b. Respondent pays the non-suspended portion of the penalty (\$500) within 30 days of the date of entry of the Commission's Final Order in this matter.
- 3. In the event Respondent fails to meet either of the terms in paragraph 2, the suspended portion of the penalty (\$500) shall become due without any further intervention of the Commission.
- 4. The remaining allegations against additional school district officials and employees not charged as violations by PDC staff are dismissed, as detailed in staff's February 20, 2014 memorandum.

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

So ORDERED this 7<sup>th</sup> day of May, 2014.

WASHINGTON STATE PUBLIC  
DISCLOSURE COMMISSION  
FOR THE COMMISSION:

  
ANDREA MCNAMARA DOYLE  
Executive Director

*ATTACHMENTS*

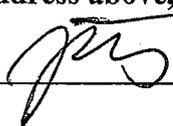
- (1) Memorandum dated February 20, 2014 to PDC Commissioners from Phil Stutzman and Tony Perkins
- (2) Stipulation as to Facts, Violations, and Penalty
- (3) Appeals and Enforcement of Final Orders

*Copy of this Order to:*

Dr. Mark Anderson, c/o Paul Clay, Attorney at Law  
[pclay@stevensclay.org](mailto:pclay@stevensclay.org)

**I, Jacob Berkey, certify that I mailed a copy of this order to the Respondent at the respective address above, by electronic mail, on the date stated herein.**

Signature



Date

5/7/14