



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action  
Against:

William Neal, General Manager, North  
Beach Water District

Respondent.

PDC Case No. 13-002

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 state's campaign disclosure and contribution laws; 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 Respondent, William Neal, General Manager of North Beach Water District (NBWD), violated RCW 42.17A.555 by authorizing one of his subordinates, Tami Herman, a NBWD staff person when the alleged violations occurred, to use the NBWD facilities (computer and copier) to assist the 2012 campaign of William Herman, Ms. Herman's spouse, for Pacific County Commissioner.

**III. Facts**

3. Tami Herman was employed by NBWD from January, 2011 until May 11, 2012. She worked as a billing clerk, acting Office Manager, and later as the Office Manager. Mr. Neal is and was during all times relevant to these charges, the General Manager for NBWD.

4. On May 11, 2012, Mr. Neal, in his capacity as NBWD's General Manager, terminated Ms. Herman from her position at NBWD based on her use of the NBWD facilities to assist her husband's 2012 campaign for Pacific County Commissioner.
5. Between May 14 and June 1, 2012, Ms. Herman contacted PDC staff by telephone on at least three occasions to discuss her concerns that she had been terminated for using NBWD facilities to assist her husband's campaign when she believed that she had sought and received permission from Mr. Neal to make copies of campaign material using NBWD facilities.

***Mr. Neal's knowledge of, acquiescence in, and permission to use NBWD equipment to receive and print campaign materials***

6. During her husband's campaign, Ms. Herman stated that while she was working overtime one night as the billing clerk, she asked Mr. Neal if she could email some of her spouse's campaign documents to her work email address, open the documents on her work computer after work hours, and then make copies of the campaign documents using the NBWD printer.
7. Ms. Herman also told Mr. Neal she would provide her own paper for the copier, using either campaign or personal paper. Ms. Herman said that Mr. Neal told her that she did not have to use her own paper, but she told him that she would provide the paper since it was for her spouse's campaign and it seemed appropriate to do so. Mr. Neal agreed with her when she offered to provide the paper for the copies from her husband's campaign.
8. Based on her own misuse of public facilities to assist a campaign, Ms. Herman was found in violation of RCW 42.17A.555 for using NBWD facilities to assist her spouse's campaign, and assessed a penalty in the amount of \$500 with \$350 suspended on the condition that she commit no further violations of RCW 42.17A for two years. PDC Case No. 13-003

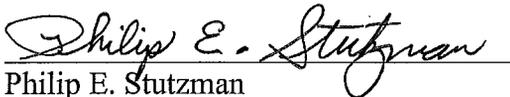
***Mr. Neal's knowledge of, and acquiescence in, using computer screen background to assist campaign***

9. During her Brief Enforcement Hearing, Ms. Herman testified that Mr. Neal was aware of, and acquiesced in, her further use of NBWD facilities to support her husband's campaign. She testified that she had placed a picture of one of her husband's campaign signs as the background screen on her NBWD computer and that it was clearly visible to other employees in the office. She further testified that Mr. Neal had been in her workstation on several occasions during the campaign prior to her termination and could not have helped but see the background screen. She stated that Mr. Neal never asked her to change or remove her husband's campaign sign from her office computer screen.

**IV. LAW**

**RCW 42.17A.555** prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition. This prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of July, 2013.

  
Philip E. Stutzman  
Director of Compliance