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Public Disclosure Commission

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

9 In the Matter of Enforcement Action  
10 Against:

11 William Neal, General Manager, North  
12 Beach Water District,

13 Respondent.

PDC Case No. 13-002

STIPULATION AS TO FACTS,  
VIOLATION, AND PENALTY

14 The parties hereto, the Public Disclosure Commission Staff, through its Executive  
15 Director, Andrea McNamara Doyle, and Respondent William Neal submit this Stipulation as  
16 to facts, violation, and penalty.

17 **I. JURISDICTION**

18 The Public Disclosure Commission ("PDC") has jurisdiction over this proceeding  
19 pursuant to RCW 42.17A, the state campaign finance and disclosure laws; RCW 34.05, the  
20 Administrative Procedure Act; and WAC 390.

21 **II. FACTS**

22 1. Respondent William Neal is and was during all times relevant the General Manager for  
23 the North Beach Water District ("NBWD").

24 2. Tami Herman was employed by the NBWD from January 2011 to May 2012. She  
25 worked as a billing clerk, acting Office Manager, and later as the Office Manager.  
26

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1 3. On December 16, 2011, Ms. Herman's spouse, William "Bill" Herman filed a  
2 Candidate Registration (C-1 report) declaring his candidacy for Pacific County Commissioner  
3 for the 2012 election. The C-1 listed Ms. Herman as Mr. Herman's campaign treasurer.

4 4. On May 11, 2012, Respondent Neal, in his capacity as NBWD's General Manager,  
5 terminated Ms. Herman from her position at NBWD. The stated reason for her termination  
6 was her use of the NBWD facilities to assist her husband's 2012 campaign for Pacific County  
7 Commissioner.

8 5. Between May 14 and June 1, 2012, Ms. Herman contacted PDC staff and admitted to  
9 using NBWD facilities to assist her husband's 2012 campaign for Pacific County  
10 Commissioner. She admitted using NBWD facilities to print campaign flyers, campaign cards,  
11 enrollment forms for a campaign golf tournament, and other campaign-related documents. Ms.  
12 Herman also admitted to placing a campaign-related background on her NBWD computer.  
13 Ms. Herman, however, averred that Respondent Neal gave her permission to use the NBWD  
14 facilities for campaign purposes.

15 6. Ms. Herman testified under oath that while she was working overtime one night as the  
16 billing clerk, she asked Respondent Neal if she could email some of her spouse's campaign  
17 documents to her work email address, open the documents on her work computer after work  
18 hours, and then make copies of the campaign documents. Ms. Herman testified that  
19 Respondent Neal agreed to this use.

20 7. Ms. Herman also testified that Mr. Neal was aware of, and acquiesced in, her use of the  
21 NBWD facilities to support her husband's campaign, including the fact that he had been aware  
22 of her use of one of her husband's campaign signs as a background screen on her NBWD  
23 computer.

24 8. Based on her own misuse of public facilities to assist a campaign, Ms. Herman was  
25 found in violation of RCW 42.17A.555 for using NBWD facilities to assist her spouse's  
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1 campaign and assessed a penalty in the amount of \$500 with \$350 suspended on the condition  
2 that she commit no further violations of RCW 42.17A for four years.

3 **III. LEGAL AUTHORITY**

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

9 **IV. VIOLATION AND PENALTY**

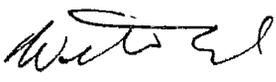
10 Mr. Neal does not admit to the violation of any statute or to any wrongdoing, but for  
11 purposes of these proceedings only acknowledges that Commission staff believes it has  
12 sufficient evidence to establish a violation of RCW 42.17A.555. In the interest of avoiding  
13 the risk and expense of a contested proceeding, Mr. Neal agrees to pay a civil penalty in the  
14 amount of \$750, with \$500 suspended on the following conditions:

- 15 1. Mr. Neal is not found to have committed any violations of RCW 42.17A within  
16 four years of the date of the final order in this matter.
- 17 2. Mr. Neal pays the non-suspended portion of the penalty (\$250) within 30 days  
18 of the date of the final order.

19 In the event Mr. Neal fails to meet any or all of these conditions, the suspended portion of the  
20 penalty (\$500) shall become due without any further action by the Commission.

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22 \_\_\_\_\_  
23 Andrea McNamara Doyle, Executive Director  
24 Public Disclosure Commission

\_\_\_\_\_ 1/15/14  
Date Signed

25   
26 \_\_\_\_\_  
William Neal, Respondent

\_\_\_\_\_ 1/13/2014  
Date Signed