



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

John Gallup, Captain, City of SeaTac Fire
Department

Respondent.

PDC Case No. 13-032

Notice of Administrative Charges
(Brief Enforcement Hearing)

I. JURISDICTION

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the state campaign finance and disclosure 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. PDC staff alleges that John Gallup, Captain, City of SeaTac Fire Department, violated RCW 42.17.130 by using facilities of the City of SeaTac to assist the 2009 campaigns of candidates for SeaTac City Council.

III. FACTS

3. John Gallup is an Engine Company Captain for the City of SeaTac Fire Department and President of the SeaTac local firefighters union (IAFF Local 2919).
4. In 2009, three SeaTac City Council positions were up for election. Five candidates filed a Candidate Registration (C-1 report) for the three positions, as follows:
 - a. Jonathan Standridge and Rick Forschler for position #2;

- b. Tony Anderson for position #4; and
 - c. Barry Ladenburg and Pamela Fernald for position #6.
5. On January 15, 2009, Mr. Gallup used his City of SeaTac email account to send an email to Adam Renn, a City of SeaTac firefighter and Political Action leader for IAFF Local 2919, discussing a draft Political Action Plan for 2009 that mentioned, in part, candidates for public office, and discussed potential campaign-related plans for calendar year 2009 activities. Although the draft Political Action Plan did not identify specific candidates, it was clearly written for the purpose of assisting city council candidates, and included: (1) Identify which council members/candidates are unsupportive of the Fire Department and discuss upcoming elections with potential fire friendly candidates; (2) Begin election campaign for any possible candidates, including: fundraisers; leaflets; identify and recruit assistants and campaign directors; gather information on target audience-registered voters; gather population demographics; obtain help from political parties; (3) Continue planning, recruiting, reviewing, and fund raising for campaigns; (4) Publicly endorse candidates; begin sign building; find volunteers within IAFF-2919 to assist in campaign; continue planning, recruiting, reviewing, and fund raising for campaigns; (5) Assist campaign with doorbelling, signs, letters to newspaper; and (6) Continue to assist campaign with doorbelling, signs, letters to newspaper; After elections held, hold a party and reward with T-shirt/coffee mug, etc. for members who assisted in elections.
 6. On August 31, 2009, as part of a pattern with Adam Renn of sending and receiving emails to assist the 2009 campaigns of candidates for SeaTac City Council, Mr. Gallup used his City of SeaTac email account to receive an email from Mr. Renn that included an attached flyer about a SeaTac City Council candidate forum hosted by IAFF Local 2919. The event was scheduled for September 17, 2009 but was changed to September 23, 2009.
 7. On September 23, 2009, Mr. Gallup used his City of SeaTac email account to send an email to incumbent SeaTac City Council members who were also candidates, to advise them that it was okay for them to attend a candidate forum sponsored by IAFF Local 2919,

provided standing city council members did not discuss City of SeaTac business at the forum.

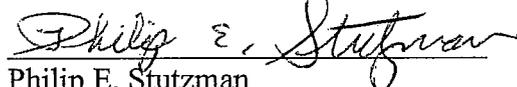
8. On September 25, 2009, Mr. Gallup used his City of SeaTac email account to send an email to Keven Rojecki at Mr. Rojecki's private email address, discussing candidates for SeaTac City Council and city council elections. Mr. Rojecki is a City of SeaTac firefighter and a Legislative Liaison for the Washington State Council of Fire Fighters (WSCFF). The email string discussed local candidate endorsements and local candidate contribution limits. Mr. Gallup began the email string by stating *"Since the WSCFF has endorsed Tony Anderson, does that mean our local cannot?"* Mr. Rojecki replied, using his personal email address, stating, *"We (WSCFF) didn't endorse Tony. That was Sanchez at the Port." "...None of the above have limits on who can endorse or amount of money unless they have self imposed (contribution limits) at the local government level – SeaTac has not."*
9. On September 27, 2009 Jonathan Standridge, a 2009 candidate for SeaTac City Council, sent an email to Mr. Gallup at his city email address. Mr. Standridge stated, *"Let's plan on meeting for coffee at Mike's Coffee House this Wednesday at 3:30 PM. Does that work for you?"* On September 28, 2009, Mr. Gallup used his City of SeaTac email account to reply, stating, *"3:30 will work fine. I assume we are talking about the Community Cup in McMicken by the safeway. I'll see you there."* In a September 30, 2009 reply to Mr. Gallup at his city email address, Mr. Standridge stated, *"We missed each other but it did give me a chance to read a newspaper which I haven't done since for a while. Anyway, being a Fire Fighter I assumed duty called and you were held up somewhere. I was hoping we could discuss the Fire Fighters endorsement before I send out a mass mailing next week. Is that endorsement still a possibility? Give me a call when you get the chance at 206-498-8330."*

IV. LAW

RCW 42.17.130 prohibited 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. Effective January 1, 2012, RCW 42.17.130 is now codified at RCW 42.17A.555.

WAC 390-05-273 states, in part: "Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner."

RESPECTFULLY SUBMITTED this 17th day of June, 2013.


Philip E. Stutzman
Director of Compliance