



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:

Port of Seattle Commissioners:

Tom Albro, Case No. 14-006
John Creighton, Case No. 15-032
Courtney Gregoire, Case No. 15-033
Stephanie Bowman, Case No. 15-034

Respondent.

PDC Case Nos. 14-006, 15-032,
15-033, and 15-034

Notice of Administrative Charges

IT IS ALLEGED as follows:

I. Jurisdiction

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

II. Allegations

2. Staff alleges that the following Respondents, all Port of Seattle Commissioners, violated RCW 42.17A.555 by using or authorizing the use of Port of Seattle facilities to play four recorded audio messages between April and October of 2013, over the public address system at Seattle-Tacoma International Airport (Sea-Tac Airport), and in so doing, assisted the campaigns of Tom Albro, Stephanie Bowman, John Creighton, and Courtney Gregoire, candidates for election or reelection in 2013. The recordings featured the voices of the four commissioners, and identified them by name, five to 32 times per hour, continuously, for the six months leading up to the 2013 election:

- A. **Tom Albro** by using and authorizing the use of Port of Seattle facilities as noted above;

- B. **John Creighton** by using Port of Seattle facilities as noted above;
- C. **Courtney Gregoire** by using Port of Seattle facilities as noted above;
- D. **Stephanie Bowman** by using Port of Seattle facilities as noted above.

III. Background & Facts

- 3. The Port of Seattle has aired recorded commissioner messages in Sea-Tac airport since at least 2004. The messages aired in 2013 were similar in substance to messages aired in prior years, in that they focused on the port's business, environment and trade initiatives and other port accomplishments. However, the messages aired in 2013 departed from the port's normal and regular conduct in airing recorded commissioner messages, because the messages in 2013 were longer, aired more frequently, and featured all five members of the port commission rather than only the commission president. These changes were brought about at the request of Port of Seattle Commission President Tom Albro.
- 4. On April 19, 2013, two recorded messages featuring the voices of Port of Seattle Commission President Tom Albro, Commissioner Bill Bryant (not up for election), and Commissioner Courtney Gregoire began playing along the six sky bridges from the Sea-Tac airport garage to the terminal. The message scripts promoted the port's impact on employment, the economy, and the environment, as follows:

Albro / Bryant ("with emphasis on environment")

Tom: Hello, I'm Port of Seattle Commissioner Tom Albro

Bill: And I'm Commissioner Bill Bryant. Welcome to Sea-Tac, one of the greenest airports in the country.

Tom: Our dedication to making the Port of Seattle the greenest and most energy efficient port in North America is an essential part of our Century Agenda.

Bill: We are committed to balancing economic growth with environmental responsibility.

Tom: Because nothing matters if we don't preserve our environment for future generations.

Albro / Gregoire ("with emphasis on small business opportunities")

Tom: Hello, I'm Port of Seattle Commissioner Tom Albro

Courtney: And I'm Commissioner Courtney Gregoire. The Port of Seattle supports over 200,000 jobs, directly and indirectly, in our region.

Tom: The Port promotes small business growth and the development of a strong workforce as part of our Century Agenda.

Courtney: This is important to accomplishing our vision of adding 100,000 new jobs here over the next 25 years.

Tom: More jobs, economic growth, led by the Port of Seattle.

5. On May 16, 2013, two additional recorded messages featuring the voices of Port of Seattle Commission President Tom Albro, Commissioner Stephanie Bowman, and Commissioner John Creighton began playing along the Sea-Tac airport sky bridges. The message scripts promoted the port's impact on employment and the economy, as follows:

Albro / Bowman (*"with emphasis on small business opportunities"*)

Tom: Hello, I'm Port of Seattle Commissioner Tom Albro

Stephanie: And I'm Commissioner Stephanie Bowman. The Port of Seattle supports over 200,000 jobs, directly and indirectly, in our region.

Tom: The Port also promotes small business growth and the development of a strong workforce as part of our Century Agenda.

Stephanie: This is important to accomplishing our vision of adding 100,000 new jobs here over the next 25 years.

Tom: More jobs, economic growth, led by the Port of Seattle.

Albro / Creighton (*"with emphasis on jobs and airline flights/destinations"*)

Tom: Hello, I'm Port of Seattle Commissioner Tom Albro

John: And I'm Commissioner John Creighton. Welcome to Sea-Tac Airport, the Northwest's busiest and a leading international gateway.

Tom: We want to tell you about our efforts to create another 100,000 jobs here in the Northwest. It's our Century Agenda.

John: One way we can do this is by growing our number of flights and destinations. That's important for local businesses and tourism.

Tom: And...doing so means more jobs...that's what the Port of Seattle is all about.

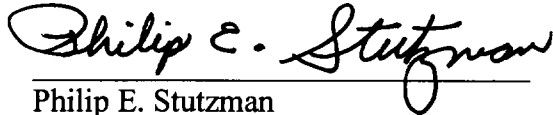
6. By touting the accomplishments and efforts of the Port of Seattle (as the greenest and most energy efficient port in North America... that supports over 200,000 jobs, directly and indirectly, in our region... and that has a vision of adding 100,000 new jobs here over the next 25 years), and identifying themselves by name during the months leading to the election in which they appeared as candidates on the ballot, the incumbent Port Commissioners benefitted from the use of Port of Seattle facilities in a manner that was not normal and regular conduct for the agency.
7. The recorded messages ran 24 hours a day, seven days a week along the airport's six sky bridges, and were heard in no other location. The messages were 20-30 seconds in duration, and were aired in rotation with directional messages recorded by port staff or by Northwest musicians.
8. The messages began airing on April 19, 2013 and played at the rate of five messages per hour. Beginning May 16, 2013, when recordings with Commission President Albro and Commissioners Stephanie Bowman and John Creighton were added to the playlist, the messages ran at 12 messages per hour, with each commissioner pair running four times each hour. On July 19, 2013, the playback of commissioner messages increased to 32 messages per hour, with each commissioner pair running eight times each hour. Port Commission President Tom Albro requested the increase in frequency of playing the recorded messages.
9. With the exception of one commissioner message used in 2004, recorded messages played in prior years were on average half as long as the commissioner messages used in 2013, and included only the voice of the commission president.

IV. Law and Rules

RCW 42.17A.555 states, in part, "No elective official nor any employee of his 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."

WAC 390-05-273 defines the “normal and regular conduct” of a public office or agency as “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 9th day of September, 2014.

A handwritten signature in black ink, reading "Philip E. Stutzman". The signature is written in a cursive style with a horizontal line underneath the name.

Philip E. Stutzman
Director of Compliance