STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE WITH RCW 42.17 / 42.17A Officials of Spokane School District No. 81 Respondents.	)	PDC CASE NOS: 12-145, 14-021, 14-022, 14-023, 14-024, 14-025, 14-026, 14-027, 14-028, 14-029, 14-030, 14-031, 14-032, 14-033, 14-034, 14-035, 14-036, 14-037, 14-038, 14-039, 14-040, 14-041, 14-042, 14-043, 14-044, 14-045, 14-046, 14-047, 14-048, 14-049, 14-050, 14-051, 14-052, 14-053 REPORT OF INVESTIGATION

I.

BACKGROUND

1.1 Spokane School District No. 81 (Spokane School District, Spokane Public Schools, SPS, or the District) is the largest school district in eastern Washington and the second largest in the state. The District includes 34 elementary schools, six middle schools, and six high schools, serving nearly 30,000 students. SPS employs 3,226 staff, 1,758 of whom are classroom teachers. The District's General Fund Budget for 2013 – 2014 is $329.1 million.

1.2 SPS is governed by a board of five elected school directors. The District's current Superintendent is Shelley Redinger, Ph.D. Dr. Redinger replaced Nancy Stowell, Ph.D, who began her term as Superintendent in March of 2008, and retired from the District in June of 2012. At all times relevant to this investigation, Mark Anderson, Ph.D, was the District's Associate Superintendent for School Support Services, a position he has held since 1998.

1.3 Citizens for Spokane Schools (CFSS) is the political committee formed to promote levy and bond measures in Spokane School District No. 81.

1.4 In the March 10, 2009 special election, SPS held a maintenance and operations replacement levy election and a bond election. The levy and bond propositions, assigned Proposition 1 and Proposition 2, respectively, were placed on the ballot through school board resolutions approved on December 3, 2008. Proposition 1 and Proposition 2 were approved by more than 60% of voters participating in the March 10, 2009 special election.

1.5 Spokane Schools' next maintenance and operations replacement levy election was held on February 14, 2012. That levy, Proposition 1, was placed on the ballot through a school board resolution approved on November 9, 2011. Proposition 1 was approved by more than 60 percent of voters participating in the February 14, 2012 special election.

1.6 In the November 8, 2011 general election, Deana Brower was a candidate for School Director for Spokane School District No. 81. Ms. Brower was elected to the school board in that election.

1.7 On September 27, 2011, Laurie Rogers filed a complaint against officials of Spokane Public Schools. **(Exhibit 1.)** Ms. Rogers' original complaint included 96 printed pages of allegations and evidence, and a CD containing 891 emails and other documents, numbering approximately 1,250 pages. Following this, Ms. Rogers supplemented her complaint as follows:

- On October 18, 2011, Ms. Rogers provided an electronic copy of political advertisements expressing the Spokane Education Association's endorsement of Deana Brower;
- On December 5, 2011, Ms. Rogers provided two binders containing 114 printed pages of allegations, indices, and evidence, and three CDs containing 845 emails and other documents, numbering approximately 2,500 pages;
- On December 17, 2011, Ms. Rogers provided two files containing interviews and presentations by Spokane Public Schools officials;
- On January 9, 2012, Ms. Rogers provided three electronic files containing 28 pages of evidence;
- On March 14, 2012, Ms. Rogers provided one file containing an email from the private address of Dr. Mark Anderson;
- On April 4, 2012, Ms. Rogers provided two additional binders containing approximately 700 pages of printed evidence, and a CD containing 302 emails and other documents, numbering approximately 2,500 pages; and

- On February 7, 2014, Ms. Rogers provided 42 printed pages of allegations and evidence, and a CD containing six PDF documents, numbering 8,824 pages.

Each submission by Ms. Rogers contained new evidence, and duplicates of evidence provided previously. The printed and electronic records enclosed with each submission overlapped to some degree, but also contained unique documents and evidence. The records Ms. Rogers provided pertained to her allegations regarding RCW 42.17.130, but also to what she described as violations of the public records act, collective bargaining agreements, and the organizational policies of private groups, including parent-teacher associations.

1.8 Ms. Roger's last submission of evidence, received on February 7, 2014, consisted of records that she received from Spokane Public Schools between February 24, 2012 and May 11, 2012. **(Exhibit 2.)** In a cover letter, Ms. Rogers stated that none of the enclosed records had been provided in any previous submission to the PDC; however, as described above, that was not correct. The records in Ms. Rogers' February 7, 2014 submission included many without clear relevance to her allegations regarding RCW 42.17.130. With few exceptions, the records that did pertain to matters under the PDC's jurisdiction documented activity surrounding Spokane Public School's March 14, 2006 levy election, which falls outside the PDC's five-year statute of limitations (RCW 42.17A.770).

II.

ALLEGATIONS IN COMPLAINT

2.1 Concerning matters that are under the PDC's jurisdiction, and occurred within the statute of limitations, Laurie Rogers alleged that on multiple occasions, officials and employees of Spokane Public Schools violated RCW 42.17.130 by using or authorizing the use of public facilities for the promotion of levy and/or bond measures in 2009 and 2012. Ms. Rogers further alleged that on multiple occasions in 2011, officials and employees of Spokane Public Schools used or authorized the use of public facilities for the purpose of assisting a candidate's campaign for school director, additional alleged violations of RCW 42.17.130.[1]

[1] Effective January 1, 2012, RCW 42.17.130 was recodified as RCW 42.17A.555. Although certain activities discussed in this report were oriented toward the February 14, 2012 special election, all the activity was conducted prior to the recodification of RCW 42.17, and so was governed under RCW 42.17.130.

III.

FINDINGS

Spokane Public Schools' Informational Program

3.1 In her complaint, Ms. Rogers alleged that officials of Spokane Public Schools repeatedly used public facilities to advocate for the passage of bond and levy measures by conducting activity that promoted the measures, or that exceeded the District's normal and regular conduct. The allegedly promotional activity included sponsoring informational materials that conveyed a promotional tenor or tone; sending such materials home with elementary school children; making more than 100 presentations on the ballot propositions across the city; and instructing principals to schedule at least two bond and levy presentations at the officials' schools.

3.2 **PDC Staff Review of Evidence:** The evidence provided by Ms. Rogers indicates that Spokane Public Schools formulated and implemented an extensive Communications Plan prior to the District's March 10, 2009 bond and levy. The plan **(Exhibit 3)** contained action items scheduled from the fall of 2008 through the month of the election, including presentations and communications to SPS staff, community presentations, printed publications, recorded phone messages, emails, and messages on school reader boards. Senior officials and administrators including Dr. Nancy Stowell and Dr. Mark Anderson were charged with executing these action items, alongside the District's communications staff, school principals, and other building administrators. Records received from Laurie Rogers on February 7, 2014 indicate that the District implemented a similar Communications Plan in the year prior to its March 14, 2006 levy election. **(Exhibit 4.)**

3.3 The Communications Plan for the March 10, 2009 bond and levy was updated several times in the fall of 2008 and winter of 2008/2009, reflecting the completion of action items. Evidence provided by Ms. Rogers **(Exhibit 5)** indicates that presentations to parents, neighborhood councils, and other community groups continued in the weeks leading up to the March 10, 2009 special election.

3.4 In January of 2009, Dr. Anderson prepared memos tailored for principals and school board members **(Exhibit 6)**, explaining the desired frequency, form, and content of bond and levy presentations they would make to SPS staff, and to parents at school events. Records provided by Laurie Rogers on February 7, 2014, indicate that Dr. Anderson circulated a similar memo regarding presentations by school directors in advance of the March 14, 2006 levy election. **(Exhibit 7.)**

3.5 Both Dr. Anderson's January 2009 memos and the larger Communications Plan indicate SPS officials' awareness of the restrictions and prohibitions of

RCW 42.17.130, and their desire to distinguish the District's official, informational activity from campaign activity to promote the March 10, 2009 levy and bond. In a December 8, 2008 email circulating the updated Communications Plan, Terren Roloff stated, *"Our work is to inform the community about the levy and bond, as opposed to a citizens levy committee that works to get yes voters."* **(Exhibit 3, p 1.)** In his January 5, 2009 memo to school principals **(Exhibit 6, p 1)**, Dr. Anderson instructed them to make PDC guidance regarding public facilities and election campaigns available to staff during the principals' levy and bond presentations. **(Exhibit 8.)**

3.6 **Response from SPS Regarding the District's Normal and Regular Conduct:** On January 3, 2012, Dr. Mark Anderson submitted a formal response to Ms. Rogers' complaint. **(Exhibit 9.)** In his response, Dr. Anderson disputed the allegation that the District's official, informational program surrounding its levy and bond measures promoted those propositions in violation of RCW 42.17.130. He stated that SPS' informational program was normal and regular, in that it is authorized by RCW 28A.320.090, and was effected and authorized in an ordinary manner. RCW 28A.320.090 states the following:

> *The board of directors of any school district shall have authority to authorize the expenditure of funds for the purpose of preparing and distributing information to the general public to explain the instructional program, operation and maintenance of the schools of the district: PROVIDED, That nothing contained herein shall be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a school district election.*

Dr. Anderson cited the guidance of the Public Disclosure Commission in *PDC Interpretation 01-03, Guidelines for School Districts in Election Campaigns*, that the above statutory authority *"includes informing the community of the needs the District faces and needs students have that the community may not realize exist."* **(Exhibit 9, p 3.)**

3.7 Consistent with the statutory authorization in RCW 28A.320.090, Dr. Anderson stated that in 1986, the District adopted Policy and Procedure 6112, establishing a Communications Department for disseminating information *"to various external and internal publics."* **(Exhibit 9, pp 9 – 12.)** The policy states that the communications department executes its assignments through a broad variety of methods including publication of all types, television, audiovisual technology, school visitation programs, workshops, oral presentations, and community involvement, and provides consultation to building principals, teachers, administrators, and others as requested.

3.8 Dr. Anderson stated that because Spokane Public Schools' attendance boundaries cover the City of Spokane and a small portion of unincorporated

Spokane County, a metropolitan area with a combined population of over 600,000 residents, it would be impractical to communicate information in the manner of a smaller District, for example through a single open house event for all District patrons. Accordingly, he stated that in addition to the methods and means described in Policy and Procedure 6112, over the years the District had established a normal and regular practice of communicating with District patrons and parents, as well as the general public. He stated that this practice included the following modes of communication:

- Posters
- Brochures/Newsletters, etc.
- Fliers
- PowerPoint Presentations
- News Releases
- News Tips to media
- Facebook Posting
- On hold messages
- "School Talk" TV shows and publications
- "Staff Matters" newsletters to employees
- "Bulletin Board" newsletters to students
- Volunteer emails
- Parent leader emails
- School newsletters
- Twitter feeds
- Use of the District Website
- Public Service Announcements
- Key communicator emails
- Emails to retirement homes
- Surveys
- Reader Boards
- Emails to administrators
- Emails to employees
- Public presentations

3.9 Dr. Anderson stated that the District's manner of communicating information about ballot propositions follows its past and ongoing practice in communicating information on a range of policy issues, including the District's budget process; school openings and improvements; student art and music events; and milestones in graduation and registration rates. **(Exhibit 9, pp 13 – 15.)** He provided examples of District communications concerning these issues, and a description of communications surrounding a single issue, the modernization of Jefferson Elementary School, which included the following:

- Project updates and *School Talk* informational videos posted on the District's website;
- Fact sheets sent to area residents;
- E-mails about the project sent by Jefferson's Principal to Jefferson parents;
- Formation of a Steering Committee to provide input and suggestions to the District;
- District presentations made to organizations like the Comstock Neighborhood Council;
- Open houses held at Jefferson;
- Notices included in Jefferson Elementary School's newsletter: *The Fife & Drum;*
- Construction and design updates for Jefferson and other capital projects included in *School Talk* newsletters; and

- *Bulletin Board* and *Key Communicator* messages posted regularly on the District's website.

3.10 **Content of SPS Election-related Information / PDC Guidance to District:** Although PDC staff offers the service of reviewing agency communications on ballot propositions and making recommendations for compliance with RCW 42.17.130, SPS did not present its printed materials regarding the March 10, 2009 levy and bond for PDC staff's review, or the PowerPoint presentations and other materials used in its Communications Plan. Had the District requested PDC staff's guidance, staff would have recommended some changes to the materials, to lessen the impression of a promotional tenor or tone (for example, removing statements that the 2009 bond included "something...for everyone," or that "the bond would stimulate the local economy.") **(Exhibit 10, p 2; Exhibit 11, p 10.)** The remaining information appeared generally to consist of an objective and fair presentation of facts concerning the need for and use of levy funds, and the building modernization and other projects that would be financed through the proposed bonds.

3.11 PDC staff records indicate that in the ten years preceding the time period at issue in this complaint, Spokane Public Schools did not seek or receive staff's guidance on any election-related publication, including presentations regarding the March 14, 2006 levy that were similar to those made for the 2009 levy and bond. **(Exhibit 12.)** On November 9, 2011, after Ms. Rogers filed her complaint, the District sought staff's comments on a proposed handout related to the February 14, 2012 maintenance and operations replacement levy election. That same day, PDC staff returned a memo containing comments and recommendations for compliance with RCW 42.17.130. **(Exhibit 13.)** The levy handout ultimately distributed by the District incorporated PDC staff's recommended changes. **(Exhibit 14.)**

Use of Spokane Public Schools Facilities to Promote a Ballot Proposition, or to Assist a Candidate's Campaign

3.12 In her complaint, Laurie Rogers alleged that officials of Spokane Public Schools repeatedly used or authorized the use of public facilities to explicitly promote bond and levy measures, or to organize private campaign activity in support of the measures. The alleged campaign activity included using the District's email system to coordinate CFSS meetings, sign waving, phone banking, distribution of political advertising, and to solicit campaign contributions or otherwise coordinate campaign fundraising; allowing CFSS activists preferential access to school facilities including administrator meetings; taking students out of class to coordinate campaign activity for the bond and levies; and authorizing school officials and individuals from outside

SPS to make comments about the propositions before school District concert and drama performances.

3.13 Ms. Rogers further alleged that in the spring and summer of 2011, officials of Spokane Public Schools repeatedly used or authorized the use of email and other District facilities to assist a candidate's campaign for school director.

3.14 **Response from SPS Regarding Use of Public Facilities in Elections:** In his January 3, 2012 response to Ms. Rogers' complaint, Dr. Mark Anderson stated that Spokane Public Schools has made substantial efforts to instruct and inform District officials and employees about the restriction in RCW 42.17.130 on the use of public facilities in election campaigns. **(Exhibit 9, pp 1 – 2.)** Dr. Anderson stated that the District's efforts included flyers distributed to every District employee in 2006 and again in 2009 **(Exhibit 9, pp 16 – 17)**, describing in detail PDC rules about campaigning. He stated that the District's collective bargaining agreements with employee unions include express language prohibiting the use of District facilities inconsistent with RCW 42.17.130. **(Exhibit 9, pp 18 – 19.)** Further, he stated that the District's acceptable use policy regarding computers and network resources prohibits uses of those resources that conflict with state law, and any use for "political lobbying." **(Exhibit 9, pp 22 – 23.)**

3.15 Despite these protections, in his written response to the complaint and in an interview under oath, Dr. Anderson recognized that the evidence in this case indicated multiple inappropriate uses of public facilities, an assessment shared by Dr. Nancy Stowell, communicated in a separate interview with PDC staff. Dr. Anderson stated that these uses were conducted by individual SPS officials and employees, without overarching authorization from the administration or school board. He stated that after reviewing the evidence enclosed with the complaint, on December 28, 2011, he sent a letter to Jenny Rose, President of the Spokane Education Association (SEA) reminding her of the requirements of the collective bargaining agreement regarding RCW 42.17.130, and encouraging her to provide training for SEA members regarding the law and the PDC's *Guidelines for School Districts in Election Campaigns.* Dr. Anderson enclosed a copy of his letter with his response. **(Exhibit 9, pp 26 – 27.)**

3.16 In concluding his response, Dr. Anderson stated that while *"the District does not agree with the allegation that the dissemination of information pertaining to the 2009 bond and levy propositions was anything other than normal and regular conduct of the District meant to fairly and accurately inform District patrons about an important District issue...*[the District] *will continue to take affirmative steps—such as additional staff training—to educate District officials and employees about use of District facilities, and to ensure that all officials and employees further understand what behavior and/or communications is permissible in regards to future bond/levy measures."* He cited his staff's recent request for PDC staff's guidance on election-related

publications, and welcomed any additional guidance the PDC could offer. **(Exhibit 9, p 8.)**

3.17 **PDC Staff Review of Evidence:** Records provided by Laurie Rogers and Spokane Public Schools document approximately a hundred instances in which employees and officials of Spokane Public Schools used public facilities to promote a ballot proposition or to assist a candidate's campaign. The majority of such uses involved emails sent via District email addresses, in which the sending employee or official was clearly conducting campaign activity. The activity included discussion of ballot proposition and candidate endorsements; organizing opposition research to assist a candidate's campaign; organizing political committee fundraising; distribution of campaign postcards and signs; organizing sign-waving, phone banking, mailing activities; encouraging promotional letters to the editor; and scheduling campaign appointments. The emails were sent by staff and officials at all levels, from Superintendent Nancy Stowell down to teaching staff. In addition to District email and computers, the facilities used in an inappropriate manner included SPS travel resources, paid staff time, administrator meetings, student instructional time, and official school events.

3.18 The following is a description of staff's findings regarding uses of SPS facilities that may be found to violate RCW 42.17.130.

3.19 **SPS Distribution of Candidate Endorsements through "Kid Mail":** On October 21, 2011, Laurie Rogers sent an email to PDC staff supplementing her September 27, 2011 complaint with information concerning the distribution of candidate endorsements to SPS elementary school families through "kid mail." The relevant endorsements **(Exhibit 15, pp 1, 2)** were made by the SEA in support of 2011 school board candidate Deana Brower and other candidates, and appeared in the publication *KIDS Newspaper*. In addition to raising issues under RCW 42.17.130 connected with the use of District facilities to distribute the newspaper, Ms. Rogers asked whether Ms. Brower was required to report the endorsement as a campaign contribution.

3.20 Prior to Ms. Rogers' October 21, 2011 email, SPS Community Relations Director Terren Roloff researched the inclusion of candidate endorsement articles in *KIDS Newspaper*. On October 17, 2011, Ms. Roloff contacted PDC staff, stating that the articles were not authorized by SPS officials, but rather were paid advertisements, purchased from the third-party publisher by the teachers' union. **(Exhibit 15, pp 3 - 4.)** She stated that SPS had communicated to the publisher that in the future, such articles or advertisements could not be sponsored or distributed with the use of District facilities, including "kid mail."

3.21 PDC staff contacted Deana Brower concerning the SEA endorsement article, and asked whether Ms. Brower, or any agent of her 2011 campaign, advised, counseled, or otherwise encouraged SEA to make an expenditure to

communicate the union's endorsement in *KIDS Newspaper*. Ms. Brower responded **(Exhibit 16)** that she although she actively sought the union's endorsement, she did not encourage any expenditure made in connection with the endorsement in *KIDS Newspaper*; she stated that the endorsement appeared on the union's regular page in the paper, and that she was unaware it involved any special expenditure. She said that she viewed the union's endorsement of her campaign in the same light as the endorsement published by the *Spokesman-Review* newspaper.

3.22 In an email received on February 7, 2014, and in a telephone conversation on February 10, 2014, SEA Counsel Mike Gawley stated **(Exhibit 17)** that Ms. Brower's campaign was aware only after the fact that an expenditure was involved in publishing the *KIDS Newspaper* endorsements. He stated that beforehand, the campaign knew only that the endorsements would be published.

3.23 Mr. Gawley stated that the SEA's space in *KIDS Newspaper* was valued at $1,000 per page, and that in September and October 2011, each page contained three roughly equal candidate endorsements. He stated that the cost attributable to each candidate would therefore be $333.33, $666.66 in total for the two months. He stated that the union did not disclose its expenditures to run endorsement pieces in the newspaper, because it did not occur to SEA President Jenny Rose that reporting was required.

3.24 **Mark Anderson:** Dr. Anderson held the position of Spokane Public Schools' Associate Superintendent for School Support Services in the month before the March 10, 2009 special election, and also held his position in the fall and winter before the February 14, 2012 special election.

3.25 At 10:41 am on Tuesday, February 3, 2009, while on paid agency time, Dr. Anderson used his Spokane Public Schools email address and computer to send an email to six recipients, including Nancy Stowell, then the District's Superintendent; Karen Meek, Executive Assistant to the Superintendent & School Board; Teri Wilson, another Executive Assistant for the District; Karin Short, Associate Superintendent for Teaching & Learning; Staci Vesneske, Assistant Superintendent for Human Resources; and Joan Poirier, Graduation & College Success Supervisor in the District's department of Teaching & Learning Services. **(Exhibit 18, p 1.)** In his email, Dr. Anderson stated that he would be unable to attend a meeting of the "citizens levy committee" scheduled for the following Monday, February 9, 2009. He sought to ensure that at least some of the recipients of his email would attend the meeting. The "citizens levy committee" referred to in Dr. Anderson's email was Citizens for Spokane Schools (CFSS), the political committee formed to promote levy and bond ballot measures in the District.

3.26 At 10:06 am on Wednesday, February 25, 2009, while on paid agency time, Dr. Anderson used his Spokane Public Schools email address and computer

to send an email to Superintendent Stowell, Ms. Poirier, Ms. Short, and Ms. Vesneske. **(Exhibit 18, p 2.)** In his email, Dr. Anderson stated, *"Given we're headed down the critical home stretch on the bond and levy, I will plan to attend Monday evening's CFSS meeting[.]"*

3.27 Beginning at 3:07 pm on Wednesday, September 29, 2010, while on paid agency time, Dr. Anderson used his Spokane Public Schools email address and computer to exchange four emails with Superintendent Stowell and Deana Brower, co-chair of Citizens for Spokane Schools. The emails concerned the scheduling of a meeting for Citizens for Spokane Schools; in emails exchanged with Ms. Brower on October 6, 2010, Dr. Anderson also offered input on which District officials and CFSS committee officers should be included in the meeting. **(Exhibit 18, pp 3 – 4.)** At the time, the Spokane School District Board of Directors had not yet acted to place the District's 2012 levy and bond measures on the ballot, and would not do so for another year.

3.28 At 8:58 am on Tuesday, November 2, 2010, while on paid agency time, Dr. Anderson used his Spokane Public Schools email address and computer to send an email to Deana Brower, suggesting that she send an email reminder to participants in a CFSS meeting planned for November 15, 2010. Ms. Brower replied on November 4, 2010 that she would send the reminder. In her reply, she informed Dr. Anderson that she was unable to send CFSS-related email to Spokane Public Schools Community Relations employee Terren Roloff at Ms. Roloff's private email address. On November 4, 2010, Dr. Anderson replied that Ms. Brower should send CFSS-related email to Ms. Roloff at her Spokane Public Schools email address. **(Exhibit 18, p 5.)**

3.29 On February 11, 2009, Dr. Anderson received an email from Maureen Ramos at his Spokane Public Schools email address. Ms. Ramos' email forwarded a message from Amorina Christensen concerning Alton's Tires, a business that had been subject to a boycott effort due to the former owner's opposition to school funding measures. Ms. Amorina suggested that the new owners of Alton's Tires be given the opportunity to end the boycott by expressing their support for the District's levy. Although Ms. Ramos and Ms. Amorina's emails concerned a campaign question, rather than the duties or functions of Dr. Anderson's office, at 10:31 am on Thursday, February 12, 2009, while on paid agency time, Dr. Anderson used his District email address and computer to forward the email to several recipients outside the District, including officers of CFSS. **(Exhibit 18, p 6.)**

3.30 At 10:29 am on Tuesday, March 3, 2009, while on paid agency time, Dr. Anderson used his District email address and computer to send an email to several Spokane Public Schools staff members. In his email, Dr. Anderson extended an invitation from CFSS for District staff to attend an election watch event one week later, the evening of the March 10, 2009 special election. **(Exhibit 18, p 7.)**

3.31 Following the passage of the March 10, 2009 levy and bond, on Thursday, September 10, 2009, Dr. Anderson attended a School Elections Conference and, acting in his official capacity, presented a PowerPoint slide show with the title *"Lessons Learned - March 2009 Levy and Bond"* at the request of the conference sponsors. **(Exhibit 18, pp 8 – 15.)** In part, the presentation described effective strategies for political campaigns in support of levy and bond measures, an analysis which Dr. Anderson gleaned from interviews with CFSS activists. It included, among many slides, one slide stating "*Key Lesson: Passing your next levy or bond starts today and continues every day between now and election day!"* Although the conference registration was free, Dr. Anderson's travel expenses were paid by Spokane Public Schools, he prepared for the conference with his District computer, and attended on paid agency time.

3.32 At 2:10 pm on Friday, January 21, 2011, while on paid agency time, Dr. Anderson used his District email address and computer to send an email to CFSS officers Deana Brower and Mike Livingston, authorizing them to attend a January 27, 2011 budget forecast meeting for all Spokane Public Schools administrators, and to speak to the group about the activities of their political committee. **(Exhibit 18, pp 16 – 17.)**

3.33 In the two weeks leading up to Spokane Public Schools' March 10, 2009 levy and bond elections, Dr. Anderson used his school email address and computer on three occasions to promote voter turnout, with the express purpose of ensuring that the bond and levy measures achieved the validation and approval rates required for passage. **(Exhibit 18, pp 18 – 20.)**

3.34 In an email sent at 8:48 am on Wednesday, February 25, 2009 to five Spokane Public Schools department heads, Dr. Anderson stated, *"Please remind your departmental staff to vote on the School District's bond and levy renewal measures by turning in their election ballots prior to March 10— ITSC, Nutrition Services, Warehouse/Purchasing, Maintenance, and Express staff. Remember, we have to get nearly 41,000 registered voters to turn in their ballots just to make the bond election valid and then 60 percent of those have to vote yes for this critical bond measure to be approved."* **(Exhibit 18, p 18.)**

3.35 In an email sent at 8:20 am on Tuesday, March 3, 2009 to a "Group-Admin Staff" distribution list, Dr. Anderson indicated that he was tracking election returns. He urged the recipients of his email to make efforts to increase voter turnout: *"As of yesterday, Monday (March 2), 29,422 ballots had been returned to the Elections Department - 11,258 additional ballots must be received by next Tuesday just to validate our bond election. If you live in Spokane Public Schools and have already voted - thank you. If you haven't voted, please mail your ballot back to the Elections Department before next Tuesday. Also, please remind your friends, relatives, and acquaintances who live in Spokane Public Schools to vote by mailing in their ballot by next*

Tuesday. The levy and bond provide critical sources of funding to support our mission of educating Spokane's young people." **(Exhibit 18, p 19.)**

3.36 In an email sent at 2:53 pm on Friday, March 6, 2009 to fifteen Spokane Public Schools staff and officials, Dr. Anderson again pressed District staff to make efforts to turn out supportive voters: *"As of today (Friday), we have 40,621 ballots returned for levy and bond election measures. Given our validation requirement is 40,680, we are now 59 ballots short of validating and will easily validate on Monday. However, the big question is, how many of those ballots are marked yes for the levy and bond and how many are marked no. And, of importance will be what is the return rate for those precincts that typically have a higher percentage of yes votes on school measures than other areas of town - don't know the answer to that at this moment. I say we need to continue the full court information press to the end."* **(Exhibit 18, p 20.)**

3.37 In addition to the above, in responding to the complaint, Paul Clay, legal counsel to Dr. Anderson, addressed detailed monthly payroll deduction reports that Spokane Public Schools payroll staff provides to CFSS, examples of which were provided to PDC staff by Ms. Rogers. **(Exhibit 18, pp 18 – 27.)** Mr. Clay stated that the District provides these monthly reports in response to a public records request that was first made many years ago, at a time that pre-dates any current District central administrator. **(Exhibit 19.)**

3.38 Mr. Clay stated that at the time Dr. Anderson became Associate Superintendent for School Support Services in 1998, CFSS had a standing request for this payroll information, and the District had a written protocol in place explaining how payroll technicians were to execute a report to supply the requested information. **(Exhibit 20.)** Dr. Anderson stated that when the request was first made, the District likely did not have a formal or sophisticated process in place for responding to public records requests. He stated that if the original request from CFSS was ever put in writing, there is no current District administrator or payroll employee who is in a position to know. Nonetheless, he stated that then and now, the District operated with the understanding that public records laws required it to continue supplying the requested information to CFSS. With this understanding, he characterized the production of the payroll reports for CFSS as the District's normal and regular conduct.

3.39 **Sherri Bangs:** During the month before the March 10, 2009 special election, Sherri Bangs held a staff position in Spokane Public Schools' Finance office. At 8:14 am on Thursday, March 5, 2009, using her District email address and school computer, Ms. Bangs sent an email to Doug Fossmeyer, forwarding campaign information from CFSS. **(Exhibit 21.)**

3.40 **Mike Campbell:** In the winter preceding the March 10, 2009 special election, Mike Campbell held a teaching position as Applied Tech Department Lead for Lewis & Clark High School. Mr. Campbell also held his position during the summer preceding the November 8, 2011 general election.

3.41 At 12:02 pm on Friday, January 30, 2009, Mr. Campbell used his Spokane Public Schools email address to send an email to Rebecca Franklin, a Teacher at Sacajawea Middle School while on paid agency time. In his email, Ms. Campbell discussed planning for a meeting before school the following Tuesday, February 3, 2009. As planned by Mr. Campbell, the meeting was intended to include a presentation on "the value of passing the bond/levy," and was to also include the assignment of campaign tasks, including circulation of endorsement sheets, writing letters to the editor or postcards, sign-waving, and phone-banking to "pro-education voters," to be conducted at SEA offices. **(Exhibit 22, p 1.)**

3.42 At 12:27 pm on Friday, January 30, 2009, Mr. Campbell used his Spokane Public Schools email address to send a second email planning the February 3, 2009 campaign meeting to Paula Ronhaar, principal of Sacajawea Middle School, while on paid agency time. **(Exhibit 22, p 2.)**

3.43 At 9:54 am on Monday, June 6, 2011, while on paid agency time, Mr. Campbell used his Spokane Public Schools email address to reply to an email sent by Mike Miller, a teacher at Shadle Park High School, regarding a plan to introduce school board candidate Deana Brower to SEA members at a series of *"meet and greet"* events held before the school day. In his response to Mr. Miller, Mr. Campbell stated, "*Sounds good to me. Be looking for a more complete response from my personal email to yours. Since we are talking about* [political] *stuff I feel better about doing it on our personal emails. Suffice to say here that I think this idea is a great one because it accomplishes several things at the same time."* **(Exhibit 22, p 3.)**

3.44 **Tammy Campbell:** During the interim between the March 10, 2009 and February 12, 2012 special elections, Tammy Campbell held a staff position in Spokane Public Schools' Instructional Programs office.

3.45 At 3:00 pm on Wednesday, March 9, 2011, using her Spokane Public Schools email address and computer, Ms. Campbell sent an email to District Superintendent Nancy Stowell while on paid agency time. In her email, Ms. Campbell discussed a meeting she was organizing with Deana Brower and others to coordinate *"the work of supporting the levy."* **(Exhibit 23.)** At the time, Ms. Brower was a co-chair of CFSS.

3.46 **Staci Clary:** Staci Clary held the position of Community Relations Receptionist for Spokane Public Schools during the interim between the March 10, 2009 and February 12, 2012 special elections.

3.47 At 11:08 am on Friday, November 5, 2010, using her Spokane Public Schools email address, Ms. Clary responded to an email sent from the private address of Deana Brower, co-chair of CFSS. In her email, Ms. Brower stated that she was contacting Ms. Clary about campaign activities. Ms. Brower proposed a campaign meeting at her house on November 15, 2010, to which Ms. Clary responded, *"Thanks for the reminder! I will definitely be attending."* **(Exhibit 24.)**

3.48 **Sharon Condrey:** In the month prior to the March 10, 2009 special election, Sharon Condrey held the position of Office Manager for Lewis & Clark High School.

3.49 At 10:40 am on Wednesday, February 11, 2009, using her Spokane Public Schools email address and computer, Ms. Condrey sent an email to Lewis & Clark principal Shawn Jordan, reporting that she had spoken with Dave Hughes of the school's booster club, and that the club would be making a monetary contribution to CFSS in support of the levy. **(Exhibit 25.)**

3.50 Ms. Condrey stated in a sworn declaration that she sent her February 11, 2009 email in response to Mr. Jordan's request that she research the matter and report to him. **(Exhibit 26.)** In response to PDC staff's further inquiry, she stated that it was her standard operating procedure to communicate with Mr. Jordan by District email or phone while he was away from the office, as was the case on the morning of February 11, 2009. **(Exhibit 27.)** She stated that she was unaware that RCW 42.17.130 prohibits the use of public facilities to coordinate political committee fundraising.

3.51 **Chuck Demarest:** Chuck Demarest held the position of Principal of Hutton Elementary School in the months prior to the March 10, 2009 special election.

3.52 At 11:29 am on Wednesday, January 28, 2009, while on paid agency time, Mr. Demarest used his Spokane Public Schools email address and school computer to send an email to school employees, including Katey Treloar. In his email, Mr. Demarest urged recipients to become involved in campaign activities to promote the 2009 bond and levy. **(Exhibit 28, p 1.)**

3.53 At 11:42 am on Friday, February 20, 2009, while on paid agency time, Mr. Demarest used his District email address and school computer to again send an email to school employees, urging them to take part in campaign activities to promote the 2009 bond and levy, including phone-calling and sign-waving. **(Exhibit 28, p 2.)**

3.54 At 10:27 am on Monday, February 23, 2009, while on paid agency time, Mr. Demarest used his District email address and school computer to send a third email to school employees, urging them to take part in campaign

activities to promote the 2009 bond and levy, including phone-calling and sign waving. **(Exhibit 28, pp 3 – 4.)**

3.55 **Steve Fisk:** Steve Fisk held the position of Assistant Principal at North Central High School in the month prior to the March 10, 2009 special election.

3.56 At 12:30 pm on Thursday, February 12, 2009, while on paid agency time, Mr. Fisk used his Spokane Public Schools email address and school computer to send an email to four recipients, to coordinate the distribution of leaflets to promote the 2009 bond and levy. **(Exhibit 29, p 1.)**

3.57 At 10:19 am on Monday, February 23, 2009, while on paid agency time, Mr. Fisk used his District email address and school computer to send an email to five recipients, communicating information about a $150 in-kind contribution his school's booster club made to the bond and levy campaign. **(Exhibit 29, p 2.)**

3.58 **Edie Fletcher:** During the month before the March 10, 2009 special election, Edie Fletcher held the position of curriculum secretary in Spokane Public Schools' Instructional Programs office.

3.59 At 1:18 pm on Monday, March 9, 2009, using her District email address and computer, Ms. Fletcher sent an email to Karin Short while on paid agency time. In her email, Ms. Fletcher conveyed an invitation to Ms. Short to join in waving signs promoting the bond and levy the following morning, the day of the special election. **(Exhibit 30.)**

3.60 **Oweta Floyd:** Oweta Floyd held a teaching position at Westview Elementary School during the interim between the March 10, 2009 and February 12, 2012 special elections.

3.61 At 4:06 pm on March 18, 2011, using her Spokane Public Schools email address, Ms. Floyd sent an email to several SPS addresses discussing the events at an SEA Rep Council meeting held two days earlier. In her email, Ms. Floyd communicated a request from CFSS for contributions to promote the levy: *"Deana Brower with Citizens for Spokane Schools (levy) asked teachers to please donate to the levy campaign fund."* **(Exhibit 31.)**

3.62 **Paul Gannon:** In the months prior to the March 10, 2009 special election, Paul Gannon held the position of Principal of Indian Trail Elementary School.

3.63 At 4:31 pm on Thursday, February 5, 2009, while on paid agency time, Mr. Gannon used his Spokane Public Schools email address to send an email to numerous school staff members, forwarding a letter to the editor of the Spokane *Spokesman-Review*. The letter discussed the benefits of the 2009 bond and levy measures, and concluded with the following statement: *"Now*

that you've got the inside scoop, I hope you'll join me in voting yes for kids on March 10th!" **(Exhibit 32, p 1.)**

3.64 At 2:31 pm on Sunday, February 22, 2009, Mr. Gannon used his Spokane Public Schools email address to send an email to numerous school staff members. Attached to Mr. Gannon's email was the Indian Trail Elementary staff bulletin for February 23 – 27, 2009. Both the staff bulletin and the body of Mr. Gannon's email requested school staff's involvement in sign-waving and phone calling to promote the 2009 levy and bond measures. **(Exhibit 32, pp 2 – 5.)**

3.65 At 2:41 pm on Sunday, March 8, 2009, Mr. Gannon used his District email address to send an email to numerous school staff members. Attached to Mr. Gannon's email was the Indian Trail Elementary staff bulletin for March 9 – 13, 2009. Both the staff bulletin and the body of Mr. Gannon's email requested school staff's involvement in sign-waving to promote the 2009 levy and bond measures. **(Exhibit 32, pp 6 – 9.)**

3.66 **Marce Hagood:** In the months prior to the March 10, 2009 special election, Marce Hagood (formerly Marce Leek) held a teaching position at Mullan Road Elementary School.

3.67 At 9:58 am on Wednesday, February 18, 2009, using her Spokane Public Schools email address, Ms. Hagood sent an email regarding the levy campaign to a Carolyn Craven while on paid agency time. In her email, Ms. Hagood apologized for not participating in campaign telephone-calling, but offered to mail campaign postcards. She thanked Ms. Craven for her leadership in the campaign. **(Exhibit 33.)**

3.68 **Dave Hughes:** Dave Hughes held a teaching position at Lewis & Clark High School in the month prior to the March 10, 2009 special election.

3.69 At 1:15 pm on Friday, February 13, 2009, using his Spokane Public Schools email address, Mr. Hughes sent an email to a Tiffiny Santos while on paid agency time. In his email, Mr. Hughes suggested a contribution from the booster club to the campaign to support the bond and levy. **(Exhibit 34.)**

3.70 On March 16, 2009, CFSS received a $50 contribution from the Lewis & Clark Booster Club. **(Exhibit 35.)**

3.71 **Rhonda Jared:** In the months prior to the March 10, 2009 special election, Rhonda Jared held the position of Education Specialist at Shadle Park High School.

3.72 At 3:52 pm on Monday, February 9, 2009, using her Spokane Public Schools email address, Ms. Jared sent an email to her son, Greg Jared, while on paid agency time. **(Exhibit 36.)** In her email, Ms. Jared coordinated placement of political advertising signage, asking her son, *"Did you get a chance to talk to*

Brian Crarry about putting a Spokane Schools levy sign up near 29th/Glenrose? If he is OK with it, I can bring you a sign, or just put it up next to the road on Glenrose. I just don't want to do it without asking permission, first."

3.73 **Deb Johnson:** In the months before the March 10, 2009 special election, Deborah Johnson held the position of Principal at Libby Center, a Spokane School District facility that serves the specialized needs of gifted students.

3.74 At 12:29 pm on Wednesday, January 28, 2009, while on paid agency time, Ms. Johnson used her Spokane Public Schools email address to send an email to four recipients. In her email, Ms. Johnson coordinated a postcard-mailing event to promote the 2009 levy, and the circulation of sign-up sheets for campaign activity. **(Exhibit 37, p 1.)**

3.75 At 12:41 pm on Wednesday, February 4, 2009, while on paid agency time, Ms. Johnson used her Spokane Public Schools email address to reply to an email from an Anne Vogel, sent from Ms. Vogel's private email address. In her email, Ms. Johnson sought confirmation that a $1,000 contribution from her school's Parent-Teacher Group had been mailed to the political committee supporting the levy: *"Since I have made such a big deal of the PTG's donation and challenged other schools to match it, with the list indicating no donation as of yet, I was a little worried. If you did mail it, please let me know."* **(Exhibit 37, p 2.)**

3.76 **Shawn Jordan:** Shawn Jordan held the position of Principal of Lewis & Clark High School in June of 2011.

3.77 On June 12, 2011, Mr. Jordan used his Spokane Public Schools email address to respond to an email sent by Deana Brower from her campaign email address, *browerforspokaneschools@gmail.com.* In her email, Ms. Brower thanked Mr. Jordan for his invitation to speak with the Spokane Public Schools Principals' Association at the association's year-end social scheduled for June 21, 2011 at the Northern Quest Resort and Casino. (The Principals' Association is not a part of Spokane Public Schools, and the event in question did not involve the use of District facilities.) In the response sent from his District email address, Mr. Jordan sent Ms. Brower the brochure for the event. **(Exhibit 38.)**

3.78 **Ann Kaluza:** In July of 2011, Ann Kaluza held a teaching position at Sheridan Elementary School.

3.79 At 11:07 am on Friday, July 15, 2011, Ms. Kaluza used her Spokane Public Schools email address to send an email to three recipients, gauging their interest in attending an event at Patsy Clark Mansion where they could meet school board candidate Deana Brower. **(Exhibit 39.)**

3.80 In a telephone conversation with PDC staff on January 10, 2014 **(Exhibit 40)**, and in an email sent that same day **(Exhibit 41)**, Ms. Kaluza stated that she did not send her July 15, 2011 email for the purpose of assisting a candidate's campaign. She stated that at the time, she was curious about Deana Brower, but had not decided to support her. She said that her email only discussed attending a campaign event, which she believed was acceptable, based on the training she received. She said she thought that RCW 42.17.130 only prohibited the use of facilities to actively promote or oppose a candidate or ballot proposition.

3.81 Further, Ms. Kaluza stated that she sent the email in the summer, from her home and on her own time. She said she did not understand that "facility" as contemplated by RCW 42.17.130 included her District email address. In staff's telephone conversation with Ms. Kaluza, staff confirmed that the facilities of Spokane Public Schools include the District's email servers and other network resources, whether or not they are used inside a school building, or on paid agency time.

3.82 **Michael McGinnis:** In the month prior to the March 10, 2009 special election, Michael McGinnis held the position of Principal of Lincoln Heights Elementary School.

3.83 At 3:58 pm on Friday, March 6, 2009, Mr. McGinnis used his Spokane Public Schools email address and school computer to send an email to numerous school staff members. Attached to Mr. McGinnis' email was the Lincoln Heights Elementary staff bulletin for March 9, 2009. Both the staff bulletin and the body of McGinnis' email requested school staff's involvement in sign-waving to promote the 2009 levy and bond measures. **(Exhibit 42.)**

3.84 **Cindy McMahon:** In August of 2011, Cindy McMahon held the position of Principal for Spokane School District's The Community School.

3.85 At 6:31 pm on Wednesday, August 3, 2011, Ms. McMahon used her Spokane Public Schools email address to respond to an email sent from the private address of a Nancy Martin. In response to Ms. Martin's question, *"who should I vote for the school non partisan office?"* Ms. McMahon responded, *"I am SO glad you asked. We all want Deana Brower. Please tell anyone you know to vote for her. She was a teacher for 12 years and understands education. I have met her and hope that she will be elected. She would be the only educator on the school board."* **(Exhibit 43.)**

3.86 **Brian Melody:** Brian Melody held the position of Principal of Woodridge Elementary School in the months prior to the March 10, 2009 special election.

3.87 At 3:12 pm on Friday, January 30, 2009, while on paid agency time, Mr. Melody used his Spokane Public Schools email address to forward an email

sent from the private address of Mary Brown. Ms. Brown's original email and Mr. Melody's forwarded email contained an attachment, *"Letterslevy.doc,"* a letter to the editor of the Spokane *Spokesman-Review*. The letter promoted the 2009 levy: *"Vote YES for schools; protect the investment we've made in our children and in the future of a healthy community."* **(Exhibit 44.)**

3.88 **Michael Miller:** Mike Miller held a teaching position at Shadle Park High School in June of 2011.

3.89 At 8:44 am on Monday, June 6, 2011, while on paid agency time, Mr. Miller used his Spokane Public Schools email address to send an email to Shadle Park staff. **(Exhibit 45, p 1.)** In his email, Mr. Miller invited staff to meet with school board candidate Deana Brower prior to the school day on June 15, 2011, the last day of the school year: *"School Board Candidate Deana Brower will be at Shadle Wednesday morning, 6/15/11 in our staff room to get your insights of what you'd like from the school board. Deana (pronounced 'Dee-na'), is very much interested in getting into schools to meet with staff, so I've invited her for an 'SEA 10-minute meeting' at 7:15 that Wednesday to talk to you. After meeting with Deana on a number of occasions, I'm interested to hear your feedback on what she has to say. As a former secondary social studies teacher, she brings a 'classroom perspective' and wants to hear what perspective you have."*

3.90 At 9:00 am and again at 11:57 am on Monday, June 6, 2011, while on paid agency time, Mr. Miller used his Spokane Public Schools email address to exchange email messages with Lisa Peterson at her Spokane Public Schools address. (The exchange began with an email from Ms. Peterson copied to Mr. Miller. Ms. Peterson's email was not campaign-related.) In his reply **(Exhibit 45, p 2)**, Mr. Miller promoted Deana Brower's candidacy for School Director: *"I've spent the last 3 days at WEA getting ready for school-board elections. We've vetted an INCREDIBLE candidate who's a former social studies teacher. Deana Brower will be a great addition to the board, with her classroom perspectives. I'm hoping for somewhat of a shakeup."* In a subsequent email to Ms. Peterson that morning, he stated that Ms. Brower *"will be a breath of fresh air who doesn't mind shaking things up. Enough of the speech from a campaigner."* **(Exhibit 45, p 3.)**

3.91 At 9:13 am on Monday, June 6, 2011, while on paid agency time, Mr. Miller used his District email address to send an email to Mike Campbell at his District address. **(Exhibit 45, p 1.)** In his email, Mr. Miller discussed a possible *"meet and greet"* event with Deana Brower prior to the school day at Lewis & Clark high School, similar to the event planned for Shadle Park High School. He concluded, *"Let the campaign begin."*

3.92 At 8:49 am and again at 11:51 am on Monday, June 6, 2011, while on paid agency time, Mr. Miller used his District email address to exchange email messages with Jenny Rose, President of the Spokane Education

Association. **(Exhibit 45, p 4.)** In his emails, Mr. Miller discussed his efforts and those of the union to assist Ms. Brower's campaign: *"Deana kept telling me that she wanted to get into the buildings. 'Fine', I said. 'June 15th, 7:15'. She said, 'Sure, I'll put it down. Don't forget to send me an email to remind me.' Honestly, as we were going from the airport to the motel, I didn't know if I was talking to a school board candidate or a colleague from down the hall. Folks at Shadle are looking forward to her visit. I'll hype her visit every other day (in true campaign style) until Wednesday."* In response to Ms. Rose's request to use Mr. Miller's email invitation as a model for other union reps to invite their staff to meet Ms. Brower, Mr. Miller replied, *"If your sending my 'press release' will help get Deana to meet the staff, share on!"*

3.93 At 1:33 pm on Tuesday, June 7, 2011, while on paid agency time, Mr. Miller used his District email address to send an email to Shadle Park staff, reminding them of the upcoming meeting with school board candidate Deana Brower prior to the school day on June 15, 2011. Mr. Miller described the meeting as *"Doughnuts with Deana."* **(Exhibit 45, pp 5 – 7.)**

3.94 At 12:02 pm on Tuesday, June 14, 2011, while on paid agency time, Mr. Miller used his District email address to send a final email reminder to Shadle Park staff regarding the *"Doughnuts with Deana"* staff event planned for the following morning prior to the school day. **(Exhibit 45, pp 8 – 9.)**

3.95 **Charlene Milota:** In the months before the March 10, 2009 special election, Charlene Milota held the position of Assistant Principal at Salk Middle School.

3.96 At 3:13 pm on Wednesday, February 4, 2009, using her Spokane Public Schools email address, Ms. Milota sent an email to her husband while on paid agency time. In her email, Ms. Milota asked her husband to participate in sign-waving to promote the levy on two dates in late February and early March. **(Exhibit 46.)**

3.97 **Kevin Morrison:** Kevin Morrison held the position of Facility and Planning Services Specialist for Spokane Public Schools in the months before the March 10, 2009 special election.

3.98 At 7:52 am on Thursday, November 20, 2008, while on paid agency time, Mr. Morrison used his District email address and school computer to respond to an email thread organizing the activity of the CFSS political committee. In his email, Mr. Morrison agreed to update his contact information for the committee. **(Exhibit 47, pp 1 – 8.)**

3.99 At 2:43 pm on Thursday, February 12, 2009, while on paid agency time, Mr. Morrison used his District email address and school computer to send an email about levy campaign activities to his personal, home email address. **(Exhibit 47, pp 9 - 10.)**

3.100 **Beth Nye:** Beth Nye held a teaching position at Adams Elementary School in June of 2011.

3.101 At 9:32 am on Tuesday, June 14, 2011, Ms. Nye used her Spokane Schools email address to send an email to Ann Flatt. In her email, Ms. Nye asked Ms. Flatt to remind Spokane Public Schools staff members to attend a meeting that day with candidate Deana Brower in the staff lunch room. **(Exhibit 48.)**

3.102 **William Nye:** William Nye held a teaching position at Moran Prairie Elementary school in the months before the March 10, 2009 special election, and during the interim between that election and the February 12, 2012 special election.

3.103 At 9:09 am on Wednesday, January 28, 2009, using his Spokane Public Schools email address, Mr. Nye sent an email to several recipients discussing the events at an SEA Rep Council meeting held seven days prior. In his email, Mr. Nye communicated a request for contributions to promote 2009 Proposition 1 and Proposition 2: *"The passage or failure of the upcoming M&O Levy and Facilities Improvement Bond will impact all of us. Donation envelopes in staffroom and regular payroll deduction is available (as little as $1.00 a month!) for the campaign. Everything helps."* **(Exhibit 49, p 1.)**

3.104 At 9:22 am on Wednesday, March 23, 2011, using his Spokane Public Schools email address, Mr. Nye sent an email to Carole Montgomery, asking her to forward information to school employees regarding the events at an SEA meeting held six days earlier. In his email **(Exhibit 49, pp 2 – 3)**, Mr. Nye communicated a request for membership contributions to WEA-PAC (the Washington Education Association political committee): *"We are currently having our annual WEA-PAC (political action committee) membership drive. Like it or not, pretty much everything about our jobs is determined by a politician. If you are already a member, you know how important it is to have your voice heard. If you are not a member, I can provide you an opportunity to become a member!"* The email also communicated a request for contributions to Citizens for Spokane Schools, the political committee supporting Spokane Public Schools' 2012 Proposition 1 levy measure.

3.105 **Mike Page:** In the months before the March 10, 2009 special election, Mike Page held a teaching position with Spokane Schools' The Enrichment Cooperative at Bryant Campus.

3.106 At 3:22 pm on Tuesday, February 10, 2009, using his Spokane Public Schools email address, Mr. Page sent an email to numerous addresses, stating, *"Hello Everyone... I need to word this carefully. Soon our community will be voting on funding for our schools. I encourage each of you to write a Letter to the Editor of the Spokesman-Review."* Although Mr. Page stated he

was not seeking letters urging votes for the upcoming levy and bond, he recommended that the letters communicate *"the return on their investment for each taxpayer... for each voter... in our community."* He concluded, "*Our voices in our community are powerful."* **(Exhibit 50.)**

3.107 **Catherine Pearson:** In the month before the March 10, 2009 special election, Catherine Pearson held the position of Office Manager at Mullan Road Elementary School.

3.108 On February 27, 2009, in an email sent from a private address to numerous Parent-Teacher Group addresses, Julie Steffan stated that any person interested in sign-waving to promote the 2009 levy and bond could *"call Cathy Pearson at school and she will sign you up."* **(Exhibit 51.)**

3.109 In a sworn declaration received on January 9, 2014 **(Exhibit 52)**, Ms. Pearson stated that she did not maintain any form of campaign sign-up list, and did not authorize Julie Steffan, or anyone else, to use her name or to otherwise imply that she was doing so. She stated that she did not know why Ms. Steffan directed people to contact her regarding campaign activity.

3.110 **Carol Pederson:** In the months before the March 10, 2009 special election, Carol Pederson held a teaching position at Ferris High School.

3.111 At 11:04 am on Wednesday, January 21, 2009, while on paid agency time, Ms. Pederson used her Spokane Public Schools email address to respond to an email sent on January 20, 2009 from the private address of Sue Livingston, a volunteer with Citizens for Spokane Schools, the political committee formed to promote levy and bond measures in the District.

3.112 In her January 20, 2009 email, Ms. Livingston requested access to the Orchestra Feeder School concert at Ferris scheduled for Thursday, January 22, 2009, in order to promote the 2009 levy and bond. Ms. Livingston discussed setting up a "Yes for Kids" table, and making a presentation to promote the levy and bond to the audience at the event. She further requested Ms. Pederson's assistance in distributing a promotional email to parents of orchestra students.

3.113 In her January 21, 2009 response, Ms. Pederson authorized Ms. Livingston's access to the January 22, 2009 concert event at Ferris High School to promote the levy and bond. **(Exhibit 53.)** She declined to assist Ms. Livingston in sending emails to parents, but suggested that Ms. Livingston offer an email sign-up sheet at the event.

3.114 **Alice Peterson:** Alice Peterson held a teaching position at Moran Prairie Elementary school in the months before the March 10, 2009 special election.

3.115 At 8:39 am on Monday, February 23, 2009, using her Spokane Public Schools email address, Ms. Peterson sent an email to Stephen Osborne

while on paid agency time. In her email, Ms. Peterson coordinated the return of a telephone list to Mr. Osborne for campaign calls to promote the levy. **(Exhibit 54.)**

3.116 **Kevin Peterson:** Kevin Peterson held the position of Principal of Bemiss Elementary School in the month before the March 10, 2009 special election.

3.117 At 3:57 pm on Tuesday, February 24, 2009, Mr. Peterson used his Spokane Public Schools email address and school computer to send an email to numerous school employees. In his email, Mr. Peterson explained the distribution of a telephone list for campaign calls to promote the levy, a list which he had previously distributed through the school's internal mail system to employees. **(Exhibit 55.)**

3.118 **Marie Peterson-Holland:** In the months before the March 10, 2009 special election, Marie Holland-Peterson (formerly Marie Holland) held a staff position as librarian at Salk Middle School.

3.119 At 9:46 am on Friday, January 30, 2009, using her Spokane Public Schools email address, Ms. Holland-Peterson sent an email to Erik Johnson while on paid agency time. In her email, Ms. Holland-Peterson coordinated Mr. Johnson's receipt of political signs supporting the upcoming levy. **(Exhibit 56, p 1.)**

3.120 At 10:46 am on Wednesday, February 4, 2009, using her District email address, Ms. Holland-Peterson sent an email to a Mark Gorman while on paid agency time. In her email, Ms. Holland-Peterson coordinated the transfer of sign-up sheets for activity supporting the levy, discussed a list of levy endorsements, and the need to produce postcards supporting the levy. **(Exhibit 56, p 2.)**

3.121 At 2:50 pm on Thursday, February 5, 2009, using her Spokane Public Schools email address, Ms. Holland-Peterson sent an email to numerous addresses while on paid agency time. In her email, Ms. Holland-Peterson coordinated the distribution of postcards promoting the levy, postcards that would be addressed and posted by the recipients of her email. **(Exhibit 56, p 3.)**

3.122 At 9:48 am on Friday, February 6, 2009, using her District email address, Ms. Holland-Peterson sent an email to a Merri Winkler while on paid agency time. In her email, Ms. Holland-Peterson asked Ms. Winkler to place a sign promoting the levy and bond on the back fence of Ms. Winkler's property. **(Exhibit 56, p 4.)**

3.123 **Dawn Smith:** In the months before the March 10, 2009 special election, Dawn Smith held a staff position as music and drama teacher at Chase Middle School.

3.124 In a February 7, 2009 email sent to Ms. Smith's Spokane Public Schools address from the private address of Sue Livingston, Ms. Livingston indicated that at a music event at Ferris High School on January 22, 2009, Ms. Smith may have authorized CFSS to establish a "Yes for Kids" table at a subsequent music event at Chase on February 24, 2009, and to make comments to promote the 2009 levy and bond. **(Exhibit 57.)**

3.125 In a telephone conversation with PDC staff on January 13, 2014 **(Exhibit 58)**, and in a written statement received on January 16, 2014 **(Exhibit 59)**, Ms. Smith stated that she did not authorize the use of the February 24, 2009 music event at Chase to promote a ballot proposition, and that no promotional activity took place at the event. She stated that she does not specifically recall Ms. Livingston approaching her at the January 22, 2009 Ferris event, but that if she did, Ms. Smith may have encouraged Ms. Livingston to contact her at her Spokane Public Schools address. (Ms. Smith stated that she was the conductor for the January 22, 2009 music event, and that following the concert, she was feeling upbeat and welcoming, which would have made her respond more encouragingly.) However, Ms. Smith stated that she never replied to Ms. Livingston's February 7, 2009 email, and the matter ended there.

3.126 **Nancy Stowell:** Dr. Nancy Stowell held the position of Superintendent of Spokane Public Schools during the interim between the March 10, 2009 and February 12, 2012 special elections.

3.127 At 7:50 am on Thursday, October 7, 2010, using her Spokane Public Schools email address and school computer, Ms. Stowell responded to an email sent from the private address of Deana Brower, who was then co-chair of CFSS. In her email, Ms. Brower stated that she was contacting Ms. Stowell about campaign activities. Ms. Brower proposed a campaign meeting at her house on November 15, 2010, to which Ms. Stowell responded, *"Yes, I can may* (sic) *November 15 work . . thanks so much for organizing us!"* **(Exhibit 60, p 1.)**

3.128 At 8:54 pm on Thursday, November 4, 2010, using her District email address and school computer, Ms. Stowell responded to an email sent by Deana Brower to finalize the CFSS meeting scheduled for November 15, 2010. In her email, Ms. Brower stated, *"It is time to touch base once again on our next levy campaign...Looking forward to seeing you all soon!"* Ms. Stowell responded, *"I'm looking forward to this as well—time to start strategicing* (sic)*"*. **(Exhibit 60, p 2.)**

3.129 **Loris Stupel:** In the spring before the November 8, 2011 general election, Loris Stupel held a staff position as Assistant Secretary at Ferris High School.

3.130 At 7:42 am on Friday, April 29, 2011, using her Spokane Public Schools email address, Ms. Stupel replied to an email sent by District employee Sherri Thies with the subject line, *"School Board Candidate."* **(Exhibit 61.)** In response to Ms. Thies' request for the candidate's name, Ms. Stupel identified Deana Brower, stating, *"She is current PTG pres at Jefferson Elementary, former teacher, and very well versed in educational issues."*

3.131 In a telephone conversation with PDC staff on December 16, 2013 **(Exhibit 62)**, and in an email sent on December 20, 2013 **(Exhibit 63)**, Ms. Stupel explained that she did not send her April 29, 2011 email for the purpose of assisting any candidate's campaign. She stated that although Deana Brower was identified as a candidate in the email exchange, her candidacy was incidental to the purpose of Ms. Stupel's email. Rather, Ms. Stupel stated, she sent her email because at the time, she considered asking Ms. Brower to join Stand for Children, an education advocacy organization to which Ms. Stupel belongs.

3.132 **Michael Syron:** In the months prior to the March 10, 2009 special election, Michael Syron held the position of Athletic Coordinator for Ferris High School.

3.133 At 7:35 am on Monday, February 2, 2009, Mr. Syron used his Spokane Public Schools email address and District computer to send an email to Jennifer Walther, a Ferris High School teacher. In his email, Mr. Syron asked Ms. Walther to send two to four students to his office to discuss campaign activity to promote the 2009 levy. **(Exhibit 64.)**

3.134 **Mary Templeton:** Mary Templeton held the position of Principal Assistant at Rogers High School in the month before the March 10, 2009 special election.

3.135 At 3:48 pm on Tuesday, February 17, 2009, while on paid agency time, Ms. Templeton used her Spokane Public Schools email address and school computer to send an email to four recipients, seeking to reserve a classroom for a lunchtime meeting the following day to coordinate student volunteer efforts to promote the bond and levy. **(Exhibit 65.)** The volunteer activity was not a student-initiated, for-credit project, but instead was private campaign activity, coordinated inside a school facility.

3.136 **Sherri Thies:** In the months preceding the March 10, 2009 special election, Sherri Thies held a teaching position at Ferris High School. Ms. Thies also held her position during the spring preceding the November 8, 2011 general election.

3.137 At 3:36 pm on Tuesday, February 10, 2009, while on paid agency time, Ms. Thies used her Spokane Public Schools email address to send an email to Kevin Foster, Principal of Ferris High School. In her email, Ms. Thies coordinated distribution of political advertising signs promoting the 2009 levy

and bond election, sign-waving, and telephone-banking to promote the measures: *"...can we announce for the Bond/Levy the following - yard signs are available if you have a great place to put one; sign waving will be 2/25 and 3/3 7:00 - 8:00 AM AND 2/26 and 3/45:00 - 6:00 PM; we need people to commit to phone calling on 3/3 for one hour shifts at 6:15 and 7:15 PM."* She concluded her email, *"And I'll take 17 yard signs"*. **(Exhibit 66, p 1.)**

3.138 At 1:40 pm on Friday, April 29, 2011, while on paid agency time, Ms. Thies used her District email address to reply to an email from Jenny Rose, President of the SEA. In Ms. Rose's email and Ms. Thies' response, they discussed the Association's process of vetting and endorsing Deana Brower as a candidate for school director. **(Exhibit 66, p 2.)**

3.139 **Katey Treloar:** In the months preceding the March 10, 2009 special election, Katey Treloar held a teaching position at Hutton Elementary School.

3.140 At 11:35 am on Wednesday, January 28, 2009, while on paid agency time, Ms. Treloar used her Spokane Public Schools email address to forward an email from Hutton principal Chuck Demarest to Ms. Treloar's husband, at his private address. In her email **(Exhibit 67)**, Ms. Treloar stated, "Read number 3," referring to statements in Mr. Demarest's email regarding the 2009 bond and levy: *"3. BOND/LEVY...Ladd will have information out today re: postcards. If you have not signed up for an activity make sure to do so soon. The sheet is posted above the look book. When everyone helps out it doesn't make the task seem so large...Follow up to information Ladd and I gave yesterday. We heard this stat last night at our meeting. 300 staff positions would possible* (sic) *be lost with a failed Bond/Levy. WOW... that will take us several years to recover from and will change the way things looks around our school."*

3.141 In a sworn declaration received on January 9, 2014, Ms. Treloar stated **(Exhibit 68)** that she forwarded Mr. Demarest's email to her husband not to promote any ballot proposition, but because of Mr. Demarest's statement that the failure of the levy or bond would result in lost staff positions. Ms. Treloar stated that at the time, she was at the bottom of the union seniority list, and thus would be among the first employees to be laid off were staff positions to be eliminated. She stated that her purpose in forwarding the email was simply to warn her husband of the possibility that she might lose her job.

3.142 **Jennifer Walther:** In the months preceding the March 10, 2009 special election, Jennifer Walther held a teaching position Ferris High School. Ms. Walther also held her position during the summer preceding the November 8, 2011 general election.

3.143 At 10:38 am on Wednesday, February 18, 2009, while on paid agency time, Ms. Walther used her Spokane Public Schools email address and District computer to send an email to numerous school staff members, notifying them

that students from her Leadership class would visit classrooms that day to distribute political advertising in support of the bond and levy. **(Exhibit 69, p 1.)**

3.144 In a telephone conversation with PDC staff on January 7, 2014, Ms. Walther stated that the flyers discussed in her February 18, 2009 email advertised a weekend campaign rally in support of the levy at an Ace Hardware parking lot. She stated that she was directed by Michael Syron to have her students distribute the flyers inside the school. **(Exhibit 70.)** At that time, Mr. Syron was the Athletic Director for Ferris High School. In a written statement received from Sharon Nelson, Ms. Walther's legal counsel, on February 3, 2014, Ms. Nelson stated that Ms. Walther was authorized or instructed to distribute the rally flyers not by Ferris High School's Athletic Director, but by an Assistant Principal, whom she did not identify. **(Exhibit 71.)**

3.145 In a sworn declaration received on January 30, 2014, Mr. Syron stated that he did not suggest, ask, or direct Jennifer Walther to have her students distribute flyers promoting the 2009 levy and bond inside the school. **(Exhibit 72.)**

3.146 PDC staff contacted Sharon Nelson to seek clarification regarding the official who allegedly authorized Ms. Walther to instruct her students to distribute political advertising in the school. Ms. Nelson did not respond to PDC staff's repeated requests for clarification.

3.147 In July and August of 2011, Ms. Walther exchanged a series of emails with Laurie Rogers through Ms. Walther's Spokane Schools email address. In an email sent on July 19, 2011, Ms. Walther made a series of critical statements about Deana Brower, then a candidate for school board. **(Exhibit 73, p 1.)** On July 23, 28, 29, and 30, 2011, Ms. Walther received emails from Ms. Rogers promoting Sally Fullmer, Deana Brower's opponent in the race for school board, and opposing Ms. Brower. These emails included the following in their subject lines: *"Sally Fullmer best choice for Spokane School Board," "Please help get Sally Fullmer elected,"* and *"Vote for Sally."* Ms. Rogers' July 28, 2011 email to Ms. Walther contained an invitation to a candidate *"meet and greet"* event with Sally Fullmer. In her email to Ms. Walther sent on July 29, 2011, Ms. Rogers stated, *"Deana Brower has been telling people she's a Republican. And yet other people, including the teachers union, Stand for Children, the Progressive Majority, and Wellstone Action, seem to think she's a progressive. I don't care what she is; I do care if she's being untruthful...it matters less to me about what political philosophy Deana has than that she appears to be trying to portray herself as something she isn't. I really think we already have enough of that in Spokane Public Schools. Please vote for someone who is what she appears to be: Sally Fullmer. And please pass this...around to your conservative-minded friends and colleagues who still believe Deana is a conservative. People should see Deana for who she really is."*

3.148 Following her receipt of these emails from Ms. Rogers, on August 2, 2011, Ms. Walther sent an email to Ms. Rogers through her District address stating the following: *"I talked to a teacher from Linwood Elem. and she told me she received a letter (2 pages) from the District/union telling teachers to vote for Deana Brower for school board. Truly a case of someone trying to act like a Republican and completely swayed by the union. Brower is a rubber stamped, well coached machine. It's too bad voters cannot see through her facade."* **(Exhibit 73, p 20.)** Ms. Rogers responded the same day, *"Thanks for that. Some voters are beginning to see. I'd like to see the letter. Any chance I can get a copy?"* **(Exhibit 73, p 29.)**

3.149 Between August 2 – 15, 2011, Ms. Walther engaged in an exchange of emails with Ms. Rogers, discussing Ms. Walther's efforts to secure a copy of the union's letter for Ms. Rogers. **(Exhibit 73, pp 38 - 124.)** Each email sent throughout this exchange included the phrase *"Vote for Sally"* in its subject line.

3.150 PDC staff asked Ms. Walther's legal counsel for a response regarding Ms. Walther's use of Spokane Public Schools email to coordinate opposition research regarding Deana Brower's campaign, in support of Sally Fullmer. Ms. Walther's legal counsel did not respond to PDC staff's repeated requests.

3.151 Following the email exchanges with Laurie Rogers described above, as an instructor of a Leadership course at Ferris High School, Ms. Walther used public facilities including student instructional time to organize a candidate debate at the school. The debate, given the name "Face-Off at Ferris," was held on October 17, 2011. The participants were David Condon and Mary Verner, candidates in 2011 for Mayor of Spokane, and Deana Brower and Sally Fullmer, candidates for school board.

3.152 On September 17, 2011, Ms. Walther met with several individuals who were not employees or officials of Spokane Public Schools to plan the 2011 candidate debate. Minutes of that meeting indicate that no students were present or involved in the planning that occurred. **(Exhibit 74, pp 3 – 4.)** The individuals who participated in the meeting included republican activists Craig Eggleston and Susan Wilmoth, and Mike Noder, a candidate in the Spokane mayoral race who had been eliminated in the August 16, 2011 primary election. The meeting minutes indicate that Mr. Eggleston agreed to solicit questions for the debate from private organizations outside Ferris High School, including the Washington Policy Center and Evergreen Freedom Foundation. Emails sent and received by Ms. Walther through her Spokane Public Schools address indicate that Ms. Walther was present at the planning session where the source of debate questions was discussed, and was also included as a recipient of emails that revealed the source of some questions. **(Exhibit 74, pp 3 – 9.)**

3.153 Chris Cargill of the Washington Policy Center and Jami Lund of the Evergreen Freedom Foundation contributed questions to the candidate debate. **(Exhibit 74, pp 8 – 9, Exhibit 75.)** More than half of the questions ultimately posed to school board candidates Deana Brower and Sally Fullmer came from the Washington Policy Center and Evergreen Freedom Foundation; in some cases, the questions were used verbatim. **(Exhibit 76.)**

3.154 Following complaints to the Spokane School District that the debate questions were slanted or unfair, on January 31, 2012, Spokane Public Schools addressed the issue by sending an "advisory letter" to Ms. Walther. **(Exhibit 77.)** The letter, signed by Tennille Jeffries-Simmons, Executive Director of Human Resources for Spokane Public Schools, stated the following, in part: *"Based on what I have reviewed it is apparent that greater attention needs to be paid to having the debate be more of a student-centered activity where, at the very least, students are responsible for generating the questions at the inception. Likewise, you need to provide greater oversight throughout the debate preparation process to ensure that students are not taken advantage of or used inappropriately by others for their own political purposes. Finally, the role that students play in the development of the debate questions needs to be more clearly understood and advised, to avoid any confusion by candidates or attendees."*

3.155 In her February 3, 2014 statement on behalf of Ms. Walther, Sharon Nelson disputed that the 2011 "Face-Off at Ferris" candidate debate involved a use of public facilities for the purpose of assisting a candidate's campaign, or a violation of RCW 42.17.130. **(Exhibit 71.)**

IV.

SCOPE

4.1 PDC Staff reviewed the following documents:

1. A complaint against officials of Spokane School District No. 8, received from Laurie Rogers on September 27, 2011, and supplemented by Ms. Rogers with additional information or documents received October 18, 2011; December 5, 2011; December 17, 2011; January 9, 2012; March 14, 2012; April 4, 2012; and February 7, 2014 (the documents contained redactions by Ms. Rogers or by Spokane Public Schools, for example to omit personal email addresses);
2. Additional correspondence received from Ms. Rogers on October 21, 2011; November 21, 2011; December 1, 2011; December 9, 2011; December 19, 2011; April 3, 2012; January 7, 2013; January 8, 2013;

March 9, 2013; April 15, 2013; April 22, 2013; April 24, 2013; December 19, 2013; February 4, 2014; and February 11, 2014;

3. A response to the complaint filed by Laurie Rogers, received from Dr. Mark Anderson on January 6, 2012;
4. Additional correspondence received from Dr. Anderson or his staff on December 13, 2011; December 15, 2011; January 3, 2012; April 19, 2012; April 29, 2012; and April 22, 2013;
5. Correspondence received from Paul Clay, counsel to Spokane Public Schools, or from Mr. Clay's staff, on July 17, 2013; October 10, 2013; October 11, 2013; October 21, 2011; November 15, 2013; November 19, 2013; December 19, 2013; January 5, 2014; January 8, 2014; January 12, 2014; January 23, 2014; January 24, 2014; January 26, 2014; January 27, 2014; January 28, 2014; January 29, 2014; January 30, 2014; February 1, 2014; February 3, 2014; February 5, 2014; February 7, 2014; February 10, 2014; and February 11, 2014;
6. Correspondence received from Mike Gawley, counsel to Spokane Education Association/Washington Education Association members, or from Mr. Gawley's staff, on October 9, 2013; October 16, 2013; October 25, 2013; November 5, 2013; November 19, 2013; November 25, 2013; December 11, 2013; January 6, 2014; January 7, 2014; January 8, 2014; January 9, 2014; January 13, 2014; January 14, 2014; January 17, 2014; January 21, 2014; January 24, 2014; January 27, 2014; January 29, 2014; February 3, 2014; February 4, 2014; February 6, 2014; February 7, 2014; February 11, 2014; and February 12, 2014;
7. Correspondence received from Sharon Nelson, counsel to Jennifer Walther, or from Ms. Nelson's staff, on January 28, 2014 and February 3, 2014;
8. Correspondence received from Dr. Nancy Stowell on April 23, 2013; April 29, 2012; and May 6, 2012;
9. Correspondence received from Loris Stupel on December 20, 2013 and January 17, 2013;
10. The declaration of Sharon Condrey, received on January 8, 2014;
11. Correspondence received from Jennifer Walther on January 8, 2014;
12. The declaration of Katey Treloar, received on January 9, 2014;
13. The declaration of Catherine Pearson, received on January 9, 2014;
14. Correspondence received from Ann Kaluza on January 10, 2014;
15. Correspondence received from Dawn Smith on January 10, 2014 and January 16, 2014;
16. The declaration of Michael Syron, received on January 30, 2014;
17. Correspondence received from Deana Brower on February 4, 2014;

18. Correspondence received from Staci Clary on February 10, 2014;
19. A Cash Receipts Monetary Contributions report (C-3 report) filed by CFSS on March 22, 2009;
20. Records received on January 8, 2014 from Spokane Public Schools in response to PDC staff's request (the documents contained redactions by Spokane Public Schools, for example to omit personal email addresses);
21. A December 28, 2011 blog posting by Jami Lund, located on the Web site of the Freedom Foundation, *myfreedomfoundation.com*; and
22. An article titled, *"Ferris High School Debate Questions,"* published in the *Spokesman-Review* newspaper on December 16, 2011.

4.2 The following individuals were interviewed under oath:

1. Dr. Mark Anderson was interviewed on May 1, 2013; and
2. Dr. Nancy Stowell was interviewed on May 9, 2013.

V.

LAW

RCW 42.17.130 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.
>
> ...[T]he foregoing provisions of this section shall not apply to the following activities:
>
> ...(3) Activities which are part of the normal and regular conduct of the office or agency."

Effective January 1, 2012, RCW 42.17.130 was recodified as **RCW 42.17A.555.**

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."*

WAC 390-05-271 states the following:

> *(1) RCW 42.17A.555 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.*
>
> *(2) RCW 42.17A.555 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.*

Respectfully submitted this 13th day of February, 2014.

Tony Perkins
Lead Political Finance Specialist

EXHIBIT LIST

Exhibit 1 Complaint against officials of Spokane School District No. 81, received from Laurie Rogers on September 27, 2011.

Exhibit 2 Letter received from Laurie Rogers on February 7, 2014.

Exhibit 3 Communications Plan for Spokane Public Schools' March 10, 2009 bond and levy election (December 3, 2008 revision).

Exhibit 4 Communications Plan for Spokane Public Schools' March 14, 2006 levy election.

Exhibit 5 Selected emails exchanged by Spokane Public Schools staff and officials, January – February, 2009.

Exhibit 6 January 5, 2009 memos (2) from Dr. Mark Anderson to principals, site managers, SEA building reps, and school directors, regarding instructions for March 10, 2009 bond and levy informational presentations.

Exhibit 7 January 6, 2006 memo from Dr. Anderson to then-Superintendent Brian Benzel, regarding instructions for March 14, 2006 levy informational presentations led by school board members.

Exhibit 8 Two-page Spokane Public Schools handout explaining PDC guidance regarding public facilities and election campaigns.

Exhibit 9 Dr. Anderson's response to the complaint filed by Laurie Rogers, received on January 6, 2012, with selected exhibits.

Exhibit 10 Spokane Public Schools' two-page handout for the March 10, 2009 bond and levy measures.

Exhibit 11 Spokane Public Schools PowerPoint presentation titled *"School Bond and Levy Renewal Election - March 10, 2009."*

Exhibit 12 Spokane Public Schools PowerPoint presentation titled *"Proposed Educational Program Levy Renewal Election - March 14, 2006."*

Exhibit 13 PDC memo dated November 9, 2011, communicating staff's guidance regarding Spokane Public Schools' February 14, 2012 Levy Renewal Election brochure.

Exhibit 14 Revised brochure distributed by Spokane Public Schools for its February 14, 2012 levy renewal election.

Exhibit 15 Spokane Education Association's candidate endorsement articles published in *KIDS Newspaper,* and PDC staff emails exchanged with SPS Community Relations Director Terren Roloff on October 17, 2011.

Exhibit 16 Email received from Deana Brower on February 4, 2014.

Exhibit 17 Email received from Spokane Education Association counsel Mike Gawley on February 7, 2014, and a record of PDC staff's telephone conversation with Mr. Gawley on February 12, 2014.

Exhibit 18 Evidence concerning Dr. Mark Anderson, received from Laurie Rogers.

Exhibit 19 Email received from Paul Clay, counsel to Dr. Mark Anderson, on January 8, 2014.

Exhibit 20 Written SPS protocol for supplying payroll information to CFSS.

Exhibit 21 Evidence concerning Sherri Bangs, received from Laurie Rogers.

Exhibit 22 Evidence concerning Mike Campbell, received from Laurie Rogers.

Exhibit 23 Evidence concerning Tammy Campbell, received from Laurie Rogers.

Exhibit 24 Evidence concerning Staci Clary, received from Laurie Rogers.

Exhibit 25 Evidence concerning Sharon Condrey, received from Laurie Rogers.

Exhibit 26 Declaration of Sharon Condrey, received from Washington Education Association counsel Mike Gawley on January 8, 2014.

Exhibit 27 Email containing Sharon Condrey's responses to PDC staff's additional questions, received from Mike Gawley on January 29, 2014.

Exhibit 28 Evidence concerning Chuck Demarest, received from Laurie Rogers.

Exhibit 29 Evidence concerning Steve Fisk, received from Laurie Rogers.

Exhibit 30 Evidence concerning Edie Fletcher, received from Laurie Rogers.

Exhibit 31 Evidence concerning Oweta Floyd, received from Laurie Rogers.

Exhibit 32 Evidence concerning Paul Gannon, received from Laurie Rogers.

Exhibit 33 Evidence concerning Marce Hagood (formerly Mace Leek), received from Laurie Rogers.

Exhibit 34 Evidence concerning Dave Hughes, received from Laurie Rogers.

Exhibit 35 Cash Receipts Monetary Contributions report (C-3 report) filed by CFSS on March 22, 2009.

Exhibit 36 Evidence concerning Rhonda Jared, received from Laurie Rogers.

Exhibit 37 Evidence concerning Deb Johnson, received from Laurie Rogers.

Exhibit 38 Evidence concerning Shawn Jordan, received from Laurie Rogers.

Exhibit 39 Evidence concerning Ann Kaluza, received from Laurie Rogers.

Exhibit 40 Record of PDC staff's telephone conversation with Ann Kaluza on January 10, 2014.

Exhibit 41 Email from Ann Kaluza to PDC staff, received on January 10, 2014.

Exhibit 42 Evidence concerning Michael McGinnis, received from Laurie Rogers.

Exhibit 43 Evidence concerning Cindy McMahon, received from Laurie Rogers.

Exhibit 44 Evidence concerning Brian Melody, received from Laurie Rogers.

Exhibit 45 Evidence concerning Mike Miller, received from Laurie Rogers.

Exhibit 46 Evidence concerning Charlene Milota, received from Laurie Rogers.

Exhibit 47 Evidence concerning Kevin Morrison, received from Laurie Rogers.

Exhibit 48 Evidence concerning Beth Nye, received from Laurie Rogers.

Exhibit 49 Evidence concerning William Nye, received from Laurie Rogers.

Exhibit 50 Evidence concerning Mike Page, received from Laurie Rogers.

Exhibit 51 Evidence concerning Catherine Pearson, received from Laurie Rogers.

Exhibit 52 Declaration of Catherine Pearson, received from Mike Gawley on January 9, 2014.

Exhibit 53 Evidence concerning Carol Pederson, received from Laurie Rogers.

Exhibit 54 Evidence concerning Alice Peterson, received from Laurie Rogers.

Exhibit 55 Evidence concerning Kevin Peterson, received from Laurie Rogers.

Exhibit 56 Evidence concerning Marie Holland-Peterson (formerly Marie Holland), received from Laurie Rogers.

Exhibit 57 Evidence concerning Dawn Smith, received from Laurie Rogers.

Exhibit 58 Record of PDC staff's telephone conversation with Dawn Smith on January 13, 2014.

Exhibit 59 Written statement received from Dawn Smith on January 16, 2014.

Exhibit 60 Evidence concerning Dr. Nancy Stowell, received from Laurie Rogers.

Exhibit 61 Evidence concerning Loris Stupel, received from Laurie Rogers.

Exhibit 62 Record of PDC staff's telephone conversation with Loris Stupel on December 16, 2013.

Exhibit 63 Email received from Loris Stupel on December 20, 2013.

Exhibit 64 Evidence concerning Michael Syron, received from Laurie Rogers.

Exhibit 65 Evidence concerning Mary Templeton, received from Laurie Rogers.

Exhibit 66 Evidence concerning Sherri Thies, received from Laurie Rogers.

Exhibit 67 Evidence concerning Katey Treloar, received from Laurie Rogers.

Exhibit 68 Declaration of Katey Treloar, received from Mike Gawley on January 9, 2014.

Exhibit 69 Evidence concerning Jennifer Walther, received from Laurie Rogers.

Exhibit 70 Record of PDC staff's telephone conversation with Jennifer Walther on January 7, 2014.

Exhibit 71 Response to selected questions from PDC staff regarding Jennifer Walther, received from Sharon Nelson, Ms. Walther's legal counsel, on February 3, 2014.

Exhibit 72 Declaration of Michael Syron, received from Paul Clay, counsel to Mr. Syron, on January 30, 2014.

Exhibit 73 Emails exchanged by Jennifer Walther and Laurie Rogers regarding 2011 school board race, received on January 8, 2014 from Spokane Public Schools in response to PDC staff's request.

Exhibit 74 Emails sent and received by Jennifer Walther regarding October 2011 "Face-Off at Ferris" candidate debate, received on January 8, 2014 from Spokane Public Schools in response to PDC staff's request.

Exhibit 75 December 28, 2011 blog posting by Jami Lund, from the Web site of the Freedom Foundation, *myfreedomfoundation.com.*

Exhibit 76 Questions from the school board portion of the October 2011 "Face-Off at Ferris" candidate debate, as reported by the *Spokesman-Review* newspaper on December 16, 2011.

Exhibit 77 January 31, 2012 "advisory letter" to Jennifer Walther, signed by Tennille Jeffries-Simmons, Executive Director of Human Resources for Spokane Public Schools.