BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCMENT ACTION AGAINST: Port of Seattle Commissioners: Tom Albro, Case. No. 14-006 John Creighton, Case No. 15-032 Courtney Gregoire, Case No. 15-033 Stephanie Bowman, Case No. 15-034, Respondents.	Nos. 14-006, 15-032, 15-033 and 15-034 FINAL ORDER OF THE PUBLIC DISCLOSURE COMMISSION

I. INTRODUCTION

This matter came before the Washington State Public Disclosure Commission ("PDC") for hearing on February 26, 2015 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to RCW 34.05, 42.17A, and WAC 390-37. The proceedings were open to the public and recorded.

Commissioners Grant Degginger, Chair, Katrina Asay, Vice Chair, Amit Ranade, Anne Levinson, and John Bridges were present. Assistant Attorney General Chad Standifer represented the PDC Staff. Attorney Robert Klein represented Respondent Tom Albro. Attorney Keith Scully represented Respondent John Creighton. Attorney Rebecca Roe represented Respondents Courtney Gregoire and Stephanie Bowman.

Each of the Respondents was present for the hearing and testified on their own behalf. Further, Jane Kilburn, Port of Seattle Director of Tourism Development/Acting Director of

Public Affairs testified on behalf of Respondents. PDC Acting Deputy Director Tony Perkins testified for PDC Staff.

The PDC had before it the following materials: Notice of Administrative Charges; Stipulation As To Facts; PDC Staff's Prehearing Brief; Respondent Albro's Prehearing Brief; Respondents Gregoire and Bowman's Prehearing Brief; Respondent Creighton's Joinder In Other Respondents' Prehearing Briefs And Additional Argument; PDC Staff Exhibits 1-13; Stipulation of Facts – Stephanie Bowman; Respondent Albro Exhibits A-D; Respondent Creighton Exhibits A-II; and Comparables.

The hearing concerned allegations that Respondents violated RCW 42.17A.555 by using or authorizing the use of Port of Seattle facilities to play recorded audio messages over the public address system at Seattle-Tacoma International Airport.

After reviewing the record, listening to testimony, and considering argument, the Commission determines that the Notice of Administrative Charges against Respondents Albro (No. 14-006), Creighton (No. 15-032), Gregoire (No. 15-033), and Bowman (No. 15-034) should be dismissed.

II. FINDINGS OF FACTS

1. All facts contained in the Stipulation as to Facts will be designated Findings of Facts Nos. 1 through 24 and incorporated by reference here.

25. The Commission finds that the four recorded audio messages at issue were not developed or used for the purpose of assisting any campaign, including those of Respondents.

26. The Commission finds that Respondents developed and recorded the audio messages as part of the normal and regular conduct of their duties as Port of Seattle Commissioners.

III. CONCLUSIONS OF LAW

1. The Commission has jurisdiction to hear this matter pursuant to RCW 42.17A.755.

2. RCW 42.17A.555 provides:

> No elective official nor any employee of his or her 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. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010.

3. The PDC Staff has the burden of proving a violation of RCW 42.17A.555 by a preponderance of the evidence.

4. The PDC unanimously concludes that PDC Staff did not meet its burden of proving that Respondents violated RCW 42.17A.555 by using public facilities to support any campaign.

IV. ORDER

The Notices of Administrative Charges in matters Nos. 14-006, 15-032, 15-033 and 15-034 are dismissed.

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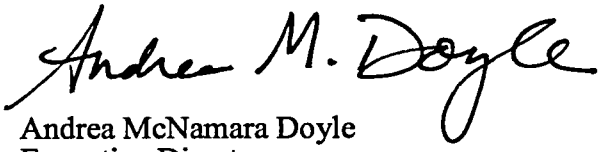
The Executive Director is authorized to enter this order on behalf of the Commission.

So ORDERED this 12th day of March, 2015

WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION

FOR THE COMMISSION:



Andrea McNamara Doyle
Executive Director

Attachments: Stipulation as to Facts

Copy of this Order to:

Tom Albro, Respondent
Robert Klein, Counsel for Respondent Albro
John Creighton, Respondent
Keith Scully, Counsel for Respondent Creighton
Courtney Gregoire, Respondent
Stephanie Bowman, Respondent
Rebecca Roe, Counsel for Respondents Gregoire and Bowman

NOTICE: RECONSIDERATION
PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE (21) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY, ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.

NOTICE: PETITION FOR JUDICIAL REVIEW
YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE DATE THIS FINAL ORDER IS SERVED UPON YOU.