



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 42.17A) Report of Investigation
Jacob Taylor) PDC CASE NO: 15-041
Respondent)
_____)

I.

Background

- 1.1 On April 14, 2014, Jacob Taylor filed a Candidate Registration (C-1 report) registering his candidacy for Grant County Auditor in 2014. Mr. Taylor was a first-time candidate for public office. Mr. Taylor's opponent was Michele Jaderlund, an employee of the Grant County Auditor's Office.
- 1.2 At the time of his 2014 candidacy, Mr. Taylor was employed as the Chief Accountant and Director of Budget and Accounting for Grant County. He was also the appointed Chief Deputy Auditor, responsible for overseeing the agency's operations in the absence of the Auditor. Dave Firebaugh was the Grant County Auditor in 2014. Mr. Firebaugh did not seek reelection in 2014.
- 1.3 On October 8, 2014, the Grant County Commissioners (Cindy Carter, Richard Stevens, and Carolann Swartz) filed a complaint with the Public Disclosure Commission (PDC) alleging that Mr. Taylor may have violated RCW 42.17A.555 by using facilities of the Grant County Auditor's Office to assist his 2014 election campaign. **(Exhibit 1)**
- 1.4 Michele Jaderlund was elected Grant County Auditor in the November 4, 2014 general election, receiving approximately 60% of votes to Mr. Taylor's 40%.

II.

Allegations and Summary of Investigative Findings

- 2.1 The Grant County Commissioners alleged that Mr. Taylor violated RCW 42.17A.555 by using Grant County facilities, including "...his government-issued personal computer to create and/or store campaign related materials...." The complainants stated that Grant

County received a public records request for a “copy of files on the County server” that listed a number of specific documents that appeared to be campaign-related or personal in nature. The complainants stated that they would send the relevant computer documents upon request.

- 2.2 Addressing the allegations, Mr. Taylor acknowledged that from approximately the end of May to the end of August 2014, he performed campaign-related work on his Grant County computer. He said he accessed his private email account from his Grant County office, using his Grant County computer, and worked on campaign-related documents attached to those emails. He said the documents were first created using his personal laptop computer. Mr. Taylor said he also accessed campaign-related documents from a personal thumb drive that he brought to work and opened using his work computer. Part of the campaign activity included working on required PDC reports using his Grant County computer. After working on the campaign-related documents, Mr. Taylor attached the documents to Grant County emails and sent them to his personal email account. On one occasion, Mr. Taylor used the Grant County email system to send a campaign-related email directly to a business to ask if he could place a yard sign on their property.
- 2.3 Mr. Taylor estimated that he used his county computer to work on campaign-related documents no more than 15 times over a three-month period, for a total of approximately five to eight hours.
- 2.4 Mr. Taylor stated that until the complaint was filed on October 7, 2014, he was unaware of the restrictions in RCW 42.17A.555, but acknowledged that he may have violated the law. He said that when he was made aware of the prohibition, he immediately ceased all campaign-related activity at work. Mr. Taylor stated that although he likely received Grant County’s Management Handbook and Code of Ethics, he was not aware of the Code’s prohibition against using public facilities to assist his campaign. He stated that he believed his activities were allowed because the Computer Usage Policy permitted him to use his county computer to work on personal documents during lunch hours.

III. **Findings**

- 3.1 In response to PDC staff’s request, on October 17, 2014, Melissa McKnight, Public Records Officer for Grant County, provided the requested records concerning Jacob Taylor’s alleged use of Grant County facilities to assist his 2014 campaign for Grant County Auditor. The records were provided on three computer discs containing documents and emails found on Mr. Taylor’s Grant County computer and on the county’s server. PDC staff printed the relevant documents and emails from the three discs as noted below:
 1. Disc 1: Emails on Mr. Taylor’s Grant County computer (**Exhibit 2**);
 2. Disc 2: Files/documents on Mr. Taylor’s Grant County computer (**Exhibit 3**); and

3. Disc 3: Files/documents on Grant County's computer server (**Exhibit 4**).

3.2 As described below, the documents and emails on the three discs pertained to Mr. Taylor's Grant County Auditor campaign, and appeared to indicate work performed to assist his campaign.

3.3 **Campaign-related emails on Taylor's Grant County computer:** Staff's review of records obtained from Grant County included the following campaign-related emails. (**Exhibit 2**) The emails, many of which had campaign-related documents attached, were sent from Mr. Taylor's Grant County address to various private addresses.

- May 30, 2014: Email sent to Mr. Taylor's personal email address with the Subject line and Attachments "Progress Ad Info." Email sent at 11:45 AM.
- May 30, 2014: Email sent to Mr. Taylor's personal email address with the Subject line "Photo." Email sent at 12:00 PM.
- May 30, 2014: Email sent to Mr. Taylor's personal email address with the Subject line and Attachments "Progress Ad Info." Email sent at 12:10 PM.
- June 10, 2014: Email sent to Mr. Taylor's personal email address with the Subject line and Attachments "Progress Ad Info." Email sent at 11:30 AM.
- June 27, 2014: Email sent to Mr. Taylor's personal email address with the Subject line and Attachments "What qualifies you for this office?" Email sent at 4:54 PM.
- July 31, 2014: Email sent to Mr. Taylor's personal email address with the Subject line "Reports." The email had attachments that included an unsigned copy of Mr. Taylor's 2013 Personal Financial Affairs Statement (F-1 report) and F-1 Supplement. Email sent at 1:03 PM.
- August 27, 2014: Email sent to Mr. Taylor's personal email address. The email had attachments that included a document entitled "Candidate Questions" from the Grant County Farm Bureau.
- August 27-28, 2014 email string: Initial email sent by Mr. Taylor to Trisha at Sunland Inns concerning placing a campaign yard sign beside the office. Email sent at 9:39 PM on August 27. Scott Tymczyszyn, Managing Broker and CFO for Sunland Inns responded back to Mr. Taylor at 12:00 PM, on August 28, and Mr. Taylor responded back to Tymczyszyn at 12:08 PM on August 28.

3.4 **Campaign-related files/documents on Taylor's Grant County computer or on Grant County servers:** Staff reviewed the computer discs and printed out the documents that appeared to assist Mr. Taylor's campaign, and that were stored or worked on using his Grant County computer. (**Exhibits 3 & 4**) Those files included a number of Word documents, .pdf files, and other files, including the following:

- A three-page document entitled "What qualifies you for this office?" which included information concerning Mr. Taylor's educational, professional and managerial experience, and that he was endorsed by retiring Grant County Auditor Dave

Firebaugh. The document included Mr. Taylor's responses to several Auditor related campaign questions such as what he would do to enhance voter knowledge of electoral issues; what changes he would make to the current processes in the Auditor's office; what recent budgetary constraints were faced by the Auditor's office; and suggestions to better serve the community in the future; and the two most pressing issues facing the office.

- A one-page letter from Mr. Taylor addressed to "Dear Fellow CPA" in which he reaches out to all CPAs in Grant County soliciting their support for his Grant County Auditor campaign.
- A one-page political advertisement entitled "Elect Jacob Taylor, CPA Grant County Auditor" that included Mr. Taylor's educational, professional and managerial experience, his religion and key endorsements, and addresses for his campaign website and Facebook page.
- A two-page political advertisement entitled "Know the Candidates for Grant County Auditor" that included information about Mr. Taylor and his opponent, Michele Jaderlund, a summary of each candidate's "Voter's Guide Thesis," and a summary of each candidate's educational, professional and managerial experience.
- A two-page political advertisement entitled "Be an Informed Voter - Grant County Auditor" that included information about the educational, professional and managerial experience of Mr. Taylor and Ms. Jaderlund.
- A one-page political advertisement entitled "Elect Jacob Taylor, CPA Grant County Auditor" that included a picture of a flag, followed by statements about integrity and ethics, his background, additional key information, and addresses for his campaign website and Facebook page.
- A four-page "Candidate Questionnaire" from Citizens Alliance for Property Rights (CAPR) that was completed by Mr. Taylor. The CAPR questionnaire included 10 questions that Mr. Taylor responded to concerning his reasons for running for office, his key campaign issues, and a number of questions concerning property rights and land use. The disc also included a copy of a CAPR-PAC pledge concerning private property rights.
- A copy of the Freedom Foundation's pledge to not accept campaign contributions from labor unions unless the funds were derived from voluntary donations received from individual members.
- A copy of a completed parade entry form for the Royal City Summerfest in Royal City.
- A July 14, 2014, letter from Mr. Taylor to Bill Varney, former Grant County Auditor, requesting a meeting with Varney to discuss Varney's possible endorsement of Mr. Taylor.
- Adobe .pdf copies of completed Monetary Contributions reports (C-3 reports) and a partially completed Campaign Summary Contributions and Expenditures report (C-4 report), worked on July 21, 2014 at 9:32 AM.

- Word templates of PDC C-1, C-3 and C-4 reports worked on for Mr. Taylor's Campaign on August 6, 2014 at 8:20 AM and from 2:22 PM to 2:42 PM.
 - Photographs of Mr. Taylor and his family, images of his Certified Public Accountant (CPA) certificate, and a court house and flag banner (JPEG image and PNG Image)
- 3.5 **Response of Jacob Taylor to Complaint:** On October 28, 2014, Mr. Taylor provided a preliminary response to the complaint. **(Exhibit 5)** On December 5, 2014, after the formal investigation was started, Mr. Taylor provided a formal response to the complaint. **(Exhibit 6)**
- 3.6 In responding to the allegations, Mr. Taylor stated that he was a first-time candidate in 2014, and that until the complaint was filed on October 7, 2014, he was unaware of the prohibitions in RCW 42.17A.555. He acknowledged that it is possible he had violated the law, and added that once he was made aware of the prohibition, he stopped using his work computer for any and all campaign-related activities. Mr. Taylor said he engaged in the questionable activities because he was under the assumption that he was only required to comply with Grant County's computer use policies which allow employees to use their county computers to work on personal documents during lunch hours. He said he did not use the county's phone system, printers, copier, or any other county owned electronic devices or office supplies for campaign purposes. He said that at the time he was using his county computer for campaign work, he did not think he was in violation of any county policies or state laws.
- 3.7 Mr. Taylor said he did not intentionally misuse the county's computers or assets. He said he now realized he should have used his personal laptop computer to work on campaign-related documents during his lunch breaks. He acknowledged that as a first-time candidate he made mistakes, but said they were due to ignorance of the relevant laws and regulations. He pledged to fully cooperate with PDC staff, and said he had already taken steps to better educate himself on the State campaign finance regulations by visiting the PDC website and reading the resource materials available for candidates.
- 3.8 Mr. Taylor said that because he was unaware of RCW 42.17A.555, he did not track the number of times or the amount of time he used the county's computer to work on campaign-related activities. However, in response to PDC staff's request, he estimated that he used his county computer to work on campaign-related documents no more than 15 times for a total of approximately five to eight hours over a three month period. He said the work was done during his lunch periods, and consisted of improving the grammar, spelling, and document layout for documents he had previously created using his personal laptop computer, not using county resources.
- 3.9 **Telephone Conversation with Jacob Taylor:** On June 5, 2015, PDC staff conducted an informal interview with Mr. Taylor by telephone. Mr. Taylor apologized for not responding to staff's earlier requests for additional information. He acknowledged that during a three-month period, from approximately the end of May to the end of August, he performed campaign-related work on his Grant County computer. He said he accessed his private email account from work and opened emails that had campaign-related documents attached. He then opened the attachments and reviewed and worked on the

documents using his Grant County computer. He said that after working on the documents using his Grant County computer, he attached the edited documents to Grant County emails and sent them to his personal email account. Mr. Taylor said the documents were first created using his personal laptop computer.

- 3.10 Mr. Taylor said he also accessed campaign-related documents from a personal thumb drive that he brought to work and opened using his work computer. He said he saved the edited documents on the thumb drive after using his work computer to make the edits. Mr. Taylor acknowledged working on required PDC reports (C-3 and C-4 reports) using his Grant County computer. Mr. Taylor said that on one occasion, he used the Grant County email system to send a campaign-related email directly to a business to ask if he could place a yard sign on their property.
- 3.11 **Interview with Dave Firebaugh, former Grant County Auditor:** On June 3, 2015, PDC staff interviewed Dave Firebaugh, who served as Grant County Auditor from 2011 through 2014. Mr. Taylor is a CPA who worked for the State Auditor's Office before working for the Grant County Auditor, and Mr. Firebaugh hired him as Grant County's Chief Accountant.
- 3.12 Mr. Firebaugh stated that he had a brief discussion with Mr. Taylor about Taylor's 2014 candidacy, prior to candidate filing week. Mr. Firebaugh stated that he endorsed Mr. Taylor over Jaderlund because of Taylor's experience.
- 3.13 Mr. Firebaugh stated that he did not have any discussion or conversation with Mr. Taylor in which he authorized Mr. Taylor to use his Grant County work computer to work on his Auditor campaign, including during his lunch hour, and that Mr. Taylor did not inform Mr. Firebaugh in advance that he was going to use Grant County facilities to work on campaign-related documents during his lunch hour.
- 3.14 Mr. Firebaugh stated that Mr. Taylor approached him in his (Firebaugh's) office after a Public Records Request showed that Mr. Taylor had a number of campaign-related documents and emails on his Grant County work computer.
- 3.15 Mr. Firebaugh said while he was familiar with the Grant County Management Handbook and Code of Ethics, he did not discuss it with Mr. Taylor when Mr. Taylor was hired, or with any of the other auditor office staff members. Mr. Firebaugh stated that Mr. Taylor was given a copy of the Code of Ethics by the Human Resources department when Mr. Taylor was hired. (He stated that Mr. Taylor was provided a copy of the handbook because, as Chief Accountant, he supervises approximately four employees.)
- 3.16 Mr. Firebaugh said his understanding is that Grant County employees are allowed *de minimis* personal use of their Grant County equipment during their lunch break. Staff noted that page 4 of the Management Handbook and Code of Ethics included a section entitled, "Prohibition against use of Public Office or Agency Facility in Campaigns."

- 3.17 **Grant County's Computer Usage Policy, Management Handbook and Code of Ethics**: The Grant County Computer Usage Policy, pages 1-3, states the following in part: **(Exhibit 7)**

"Brief and proper personal use, (at discretion), of computer equipment and software is permitted when personal use does not interfere with expected work performance or violate any applicable policy, rule, or law."

- 3.18 The Grant County Management Handbook and Code of Ethics, pages 1-4, states the following in part: **(Exhibit 8)**

Prohibition against use of Public Office or Agency Facility in Campaigns

Elected officials, their employees, and any person appointed to or employed by any public office are prohibited from using or authorizing the use of any County facility, either directly or indirectly, for the purpose of assisting in a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.

County facilities 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, parking space, publications of the office or agency, and clientele lists of persons served by the office or agency.

These prohibitions may not apply to specific actions taken at open public meetings, statements made at an open press conference, or certain other activities which are part of the normal and regular conduct of the office. See RCW 42.17.130 for specifics.

- 3.19 In speaking with PDC staff, Mr. Taylor said that although he likely received The Management Handbook and Code of Ethics, he was not aware of the prohibition against using public facilities to assist his campaign, and believed his activities were allowed because the Computer Usage Policy allowed him to use his county computer to work on personal documents during lunch hours.
- 3.20 A review of the documents submitted to the PDC on discs by Grant County showed that many of the Word and .pdf documents, and the JPEG and PNG images, were worked on during traditional lunch hours. In several other instances, file properties appeared to indicate that documents had been accessed or modified throughout the work day, at times other than the lunch hour. However, PDC staff did not conduct a forensic analysis of the files.

IV.
Scope

- 4.1 PDC staff reviewed the following documents:

- October 8, 2014, complaint filed by the Grant County Commissioners against Jacob Taylor, a Grant County employee and candidate for Grant County Auditor.

- October 17, 2014, documents received from Melissa McKnight, Public Records Officer for Grant County, including three computer discs concerning Jacob Taylor's campaign-related work using Grant County facilities.
 - October 28, 2014, and December 5, 2014, responses to the complaint submitted by Jacob Taylor.
- 4.2 PDC staff made the following attempts to contact Mr. Taylor to conduct necessary follow-up investigative work:
- March 3, 2015: PDC staff left a voice message for Mr. Taylor at (509) 669-0978 notifying him that staff would be sending him an email with a number of questions concerning the complaint.
 - March 4, 2015: PDC staff sent an email to Mr. Taylor asking him to answer additional questions, sent to jake15ash@yahoo.com). No response was received.
 - March 30, 2015: PDC staff sent an email to Mr. Taylor asking him to respond to the questions sent March 4, 2015, sent to taylorbusinesssolutions@gmail.com and jake15ash@yahoo.com. No response was received.
 - April 8, 2015: PDC staff sent a letter to Mr. Taylor asking him to answer the questions sent March 4, 2015, by April 22, 2015. No response was received.
- 4.3 PDC staff interviewed Dave Firebaugh, former Grant County Auditor, under oath on June 3, 2015.
- 4.4 On June 5, 2015, staff conducted an informal interview with Jacob Taylor by telephone.

V.

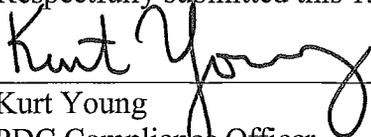
Laws and Rules

RCW 42.17A.555 states, in part: "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:

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

WAC 390-05-273 defines the “normal and regular conduct” of a public office or agency as “conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner.”

Respectfully submitted this 15th day of June, 2015.


Kurt Young
PDC Compliance Officer


Philip E. Stutzman
Director of Compliance

List of Exhibits

- Exhibit 1** Complaint received October 8, 2014 from Grant County Commissioners (Cindy Carter, Richard Stevens, and Carolann Swartz, Chair).
- Exhibit 2** Printed materials from Grant County Disc 1: Jacob Taylor’s campaign-related emails on Taylor’s Grant County computer.
- Exhibit 3** Printed materials from Grant County Disc 2: Jacob Taylor’s campaign-related files/documents on Taylor’s Grant County computer.
- Exhibit 4** Printed materials from Grant County Disc 3: Jacob Taylor’s campaign-related files/documents on Grant County’s computer server.
- Exhibit 5** Initial response to complaint received October 28, 2014 from Jacob Taylor.
- Exhibit 6** Follow-up response to complaint received December 5, 2014 from Jacob Taylor.
- Exhibit 7** Grant County Computer Usage Policy, pages 1-3.
- Exhibit 8** Grant County Management Handbook and Code of Ethics, pages 1-4.