



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

March 21, 2016

Tacoma Public Schools  
PO Box 1357  
Tacoma WA 98401-1357

Subject: PDC case 2125

Dear Tacoma Public Schools:

With the concurrence of the Chair of the Public Disclosure Commission, I have dismissed two complaints against you, filed by Angela Strege and Robert Hill on August 7, 2013 and January 7, 2014. Enclosed is a copy of the report of investigation and dismissal letters.

If you have questions, please contact Jacob Berkey at [Jacob.berkey@pdc.wa.gov](mailto:Jacob.berkey@pdc.wa.gov)

Sincerely,

  
Evelyn Fielding Lopez  
Executive Director

Enclosure



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March 21, 2016

Robert J Hill  
910 Tacoma Ave S  
Tacoma WA 98407-2104

Subject: PDC Case 2125

Dear Mr. Hill:

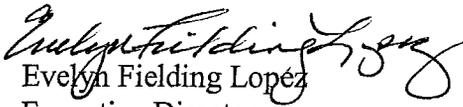
Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received on January 7, 2014, about Tacoma Public Schools (TPS).

After a careful review of the alleged violations and relevant facts, we have concluded our investigation. We found insufficient evidence to demonstrate that TPS violated RCW 42.17A.555. Please see the attached report of investigation.

Because staff's investigation has not revealed sufficient evidence to establish a material violation of any laws or regulations under the Commission's jurisdiction, I am dismissing your complaint against Tacoma Public Schools with the concurrence of the Chair of the Public Disclosure Commission.

If you have questions, please contact Jacob Berkey, at [Jacob.berkey@pdc.wa.gov](mailto:Jacob.berkey@pdc.wa.gov)

Sincerely,

  
Evelyn Fielding Lopez  
Executive Director

cc: Tacoma Public Schools



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March 21, 2016

Angela Strege  
630 Vista Dr  
Tacoma WA 98465-1421

Subject: PDC Case 2125

Dear Ms. Strege:

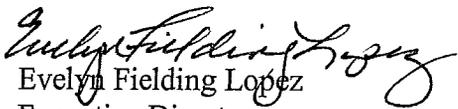
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If you have questions, please contact Jacob Berkey, at [Jacob.berkey@pdc.wa.gov](mailto:Jacob.berkey@pdc.wa.gov)

Sincerely,

  
Evelyn Fielding Lopez  
Executive Director

cc: Tacoma Public Schools



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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH  
RCW 42.17 and RCW 42.17A

Tacoma School District 10

Respondent.

PDC Case No. 2125

Report of Investigation

**I.**

**Background**

- 1.1 The Public Disclosure Commission (PDC) received a complaint, Complaint A, on August 7, 2013 from Angela Strege. The complaint alleged that Tacoma Public School District Officials (TPS) were in violation of RCW 42.17A.555 and .635 by using public facility emails to support a bond measure, 2013 Proposition 1, and to lobby the legislature during a period from December 17, 2012 through August 31, 2013. (Exhibit 1)
- 1.2 The PDC received a second complaint, Complaint B, from Robert Jesse Hill on January 7, 2014 that alleged TPS was in violation of RCW 42.17A.555 by authorizing the use of public facilities for opinion research polls to promote passage of Proposition 1 and 2 on the February 11, 2014 special ballot. (Exhibit 2)

**II.**

**Allegations**

- 2.1 Complaint A alleged that Joshua Garcia, in his role as Deputy Superintendent, used TPS emails to promote passage of 2013 Proposition 1.
- 2.2 Complaint B alleged that TPS conducted public opinion research in support of the ballot propositions, Propositions 1 and 2, on the February 11, 2014 special election ballot.

**III.**

**Findings**

- 3.1 **Complaint A** – PDC staff reviewed 1226 pages of emails obtained through a public records request, the Navigation Group Contract, and the findings of a City of Tacoma Ethics Board investigation.

- a. The evidence shows a contract established between TPS and the Navigation Group for lobbying services. The contract between Navigation Group and TPS describes Navigations Group's role in working with public officials in a lobbying capacity on behalf of Tacoma Public Schools. This contract is dated December 13, 2012, and shows Robert Thoms as the contractor. The L5 report filed on May 22, 2013 shows that TPS had a lobbying contract with the Navigation Group. (Exhibit 5, Page 5-6, Exhibit 8)
  - b. Before the date of the contract, TPS had been working on 2013 Proposition 1 in preparation for the February 12, 2013 special election. There is nothing to indicate a previous relationship between TPS and Mr. Thoms in the evidence provided.
  - c. After Mr. Thoms became the contract lobbyist, it is apparent in email conversations that he was aware of TPS working on passage of 2013 Proposition 1. He emailed Josh Garcia to tell him that he is going to share some of the press from the Tacoma Weekly and other sources about 2013 Proposition 1 with legislators. (Exhibit 3, Pages 157, 571, and 602)
  - d. Joshua Garcia, as Deputy Superintendent, was involved in public outreach and government relations for TPS. Under these circumstances, it would be normal and regular conduct for Mr. Garcia to be emailing a contracted lobbyist regarding contract outcomes. A violation of PDC laws and rules would occur if Mr. Garcia and Mr. Thoms engaged in electioneering activity, or used TPS resources to campaign for passage of the school funding proposition. There is no evidence indicating Mr. Garcia did that. In the emails, he simply thanks Mr. Thoms for his efforts in support of the contract. (Exhibit 3, Pages 157, 571, and 602)
  - e. After reviewing the evidence, it appears that Mr. Garcia, in his role a Deputy Superintendent of Tacoma Public Schools, did not violate the "normal and regular" clause for public officials as described in RCW 42.17A.555(3). (Exhibits 3,4,5, 6 and 7)
- 3.2 **Complaint B** - PDC staff reviewed 1226 pages of emails obtained through a public records request, the Navigation Group Contract, and the findings of a City of Tacoma Ethics Board investigation. There is no evidence provided with this complaint indicating Tacoma Public Schools, violated RCW 42.17A.555 by participating in public opinion polling. (Exhibits 3, 4,5, 6 and 7)

#### IV. Scope

4.1 PDC staff reviewed the following:

- All attached exhibits
- PDC reports for Tacoma Public Schools and the Navigation Group

V.

**Laws, Rules & PDC Interpretations**

- 5.1 **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."
- 5.2 **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 8<sup>th</sup> day of March 2016.

  
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Jacob T. Berkey  
Compliance Coordinator

**List of Exhibits**

- Exhibit 1** Complaint from Angela Strege
- Exhibit 2** Complaint from Robert Jesse Hill
- Exhibit 3** Emails from the Navigation Group to TPS
- Exhibit 4** Emails from TPS to Navigation Group
- Exhibit 5** Response from TPS with Navigation Group Contract
- Exhibit 6** Second response from TPS regarding Navigation Group
- Exhibit 7** City of Tacoma Board of Ethics Complaint with Findings
- Exhibit 8** L5 Report from TPS showing Navigation Group as contract lobbyist