



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: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

July 8, 2019

Sent electronically to Jim Busey at [lsmsworldwide@gmail.com](mailto:lsmsworldwide@gmail.com)

Subject: Complaint regarding Barry DePaoli, PDC Case 50178

Mr. Busey:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on April 10, 2019 against Barry DePaoli, the Superintendent of the Lake Chelan School District. The complaint alleged that Superintendent DePaoli used Lake Chelan School District (District) facilities to produce and distribute two emails that were sent to two individuals encouraging their support for Proposition No. 1, an April 23, 2019 District bond measure.

PDC staff reviewed the allegation listed in the complaint you filed, the statutes, rules and PDC Interpretation #01-03 "Guidelines for School Districts in Election Campaigns," and the response to the complaint provided by Lee Marchisio, an attorney with Foster Pepper, PLLC on behalf of the District, and Superintendent DePaoli. Based on staff's review, we found the following:

- The District adopted Resolution No. 2019-01 at the February 2019 meeting, and at that meeting the Lake Chelan School District Board of Directors placed the bond measure on the April 23, 2019 special election ballot to: (1) build a new high school campus; (2) modernize and reconfigure two schools; and (3) restore the iconic football and soccer stadium.
- In his response to the complaint, Mr. DePaoli, by way of his counsel, Lee Marchisio, acknowledged that in his official capacity as the superintendent of the Lake Chelan School District, drafted and sent two emails using his school district computer, email address, and time to provide two citizens, Robert Watson, a long time community member and businessman and Jerry Isenhardt, a former school board member, Chelan city council member and mayor, and a long time media business owner, with information concerning the April 23, 2019 bond measure.
- In each email, Superintendent DePaoli stated: "I remain committed to this project and I have not given up on your vote," and acknowledged that in part, his "desire" was to change Mr. Watson's and Mr. Isenhardt's "positions or votes to support the bond measure."
- On June 26, 2019, the PDC received an executed Statement of Understanding (SOU) signed by Superintendent DePaoli, along with a \$150 penalty payment.

- The SOU signed by Superintendent DePaoli acknowledged two violations of RCW 42.17A.555, by producing and distributing two emails that were sent to encourage Robert Watson and Jerry Isenhardt to support Proposition No. 1, an April 23, 2019 District bond measure.

The \$150 penalty assessed in this matter resolves the issue of Superintendent DePaoli using Lake Chelan School District facilities to support a local bond measure. Based on Superintendent DePaoli having no prior violations, completing the SOU, and paying a \$150 civil penalty, this matter does not warrant further investigation.

However, PDC is reminding Superintendent DePaoli about the importance of not using facilities of the Lake Chelan School District to support any bond measure should the district decide to place another bond measure on the ballot in the future.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Erick Agina at 360-586-2869, toll-free at 1-877-601-2828, or by e-mail at [erick.agina@pdc.wa.gov](mailto:erick.agina@pdc.wa.gov)

Sincerely,

Endorsed by,

s/\_\_\_\_\_  
Erick Agina, Compliance Officer

s/\_\_\_\_\_  
BG Sandahl, Deputy Director for  
Peter Lavallee, Executive Director

cc: Lee Marchisio, Attorney

