



**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 • Website: www.pdca.wa.gov

September 24, 2019

Delivered electronically to “debbie.bertlin@gmail.com”

Subject: Complaint filed by Glen Morgan, PDC Case 55282

Dear Debbie Bertlin:

Below is a copy of an electronic letter sent to Glen Morgan concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Glen Morgan, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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September 24, 2019

Delivered electronically to “glen@wethegoverned.com”

Subject: Complaint regarding Debbie Bertlin (2), PDC Case 55282

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on July 21, 2019. The complaint alleged that Debbie Bertlin (Respondent), the 2019 incumbent candidate for Mayor of the City of Mercer Island, may have violated RCW 42.17A.555 for misuse of phones, computers, servers, and other public facilities owned and operated by the City of Mercer Island to support the candidate's own election campaign.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the responses provided by the Respondent; the applicable PDC reports filed by Respondent; and queried the Respondent's data in the PDC contribution and expenditure database, to determine whether the record supports a finding of one or more violations.

Based on staff's review, we found the following:

- In the Response to PDC Case 55323 concerning registration and reporting, the Respondent indicated that, “[m]y ability to communicate via phone and computer was constrained by new Outlook security settings installed by the City of Mercer Island,” and further than, “a few months previously the City had updated Outlook with additional (government) security parameters without informing me or Council. This in turn limited my ability to access many emails, websites, and social media while travelling and working off wi-fi. I was unable to text some recipients including my Treasurer. She was therefore unable to respond to my requests for information to complete filing. The City has subsequently removed these Security Settings and I am re-building my device.”
- The complaint alleged that this statement served as evidence that the Respondent utilized city-issued computers, phones, and/or email servers to support the Respondent's election campaign, in violation of RCW 42.17A.555.
- The Respondent confirmed that, “I did not use any phones, computers, servers, and other public facilities owned and operated by the City of Mercer Island to support my election campaign.... Because of a function Microsoft pushed out through the City's accounts, I lost functionality on my phone and hence the ability to use services for personal purposes.”
- Counsel for the Respondent further confirmed that, “Mayor Bertlin did not use either her work computer or her work email in attempting to file documents on behalf of her campaign. Instead, she was working from her personal cell-phone and computer. Although Mayor Bertlin has an application on her personal phone that allows her to send

and receive emails from her Mercer Island account, she was not attempting to use her official email to file campaign documents. Mayor Bertlin believes that the update to her Mercer Island email application, which is hosted on her personal device, altered her security settings globally, resulting in the malfunctioning of her personal email and text message applications while out of the country.”

Based on our findings staff has determined that, in this instance no evidence supports a finding of a violation that warrants further investigation.

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 Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Debbie Bertlin