



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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February 26, 2021

Delivered electronically to:  
Scott W. Osborne at [scottoborne@jacksonlewis.com](mailto:scottoborne@jacksonlewis.com)

Temp-Control Mechanical Corp. (TCM)  
c/o Scott W. Osborne and Meredith A. Smith  
Jackson Lewis P.C.  
200 S.W. Market Street, Suite 540  
Portland, OR 97201

Subject: Complaint Filed by Maxford Nelsen, PDC Case 55700

Dear Scott Osborne and Meredith Smith:

After a careful review of the alleged violations and relevant facts, the PDC has resolved the complaint filed by Maxford Nelsen against Temp-Control Mechanical Corp. (TCM Corp.). The complaint has been resolved through a Statement of Understanding and dismissal, as described below.

Temp-Control Mechanical Corp. completed a Statement of Understanding (SOU) in accordance with WAC 390-37-142. In the SOU, Temp-Control Mechanical Corp.: (1) acknowledged a violation of RCW 42.17A.495 and WAC 390-17-100 by deducting employees' wages for political contributions to Plumbers & Steamfitters Local 598 PAC (Local 598 PAC), the political committee operated by United Association of Plumbers and Pipefitters Local 598 (Local 598), without first obtaining authorizations that comply with RCW 42.17A.495 and WAC 390-17-100; (2) expressed an understanding that the Commission will not hold an adjudicative hearing in connection with the violation; and (3) paid a \$500 civil penalty. The \$500 penalty resolves this allegation. Staff believes this is the appropriate resolution considering all the facts and circumstances, including Temp-Control Mechanical Corp.'s good-faith efforts to come into compliance after receiving the PDC's February 14, 2019 warning letter.

The complaint also alleged the otherwise compliant Version Three dispatch/authorization form created by Local 598 PAC for Temp-Control Mechanical Corp. violated WAC 390-17-100 by failing to allow the employee to designate the dollar amount of the contribution to be withheld from the employee's wages. The complaint alleged the authorization form impermissibly restricted the employee's ability to choose how much to contribute to the PAC by providing a pre-determined contribution of 0.7 percent of wages, even though the template form in WAC 390-17-100 permits the employee to designate a specific dollar amount for a contribution.

Staff's investigation found an employee is not prohibited by RCW 42.17A.495 and WAC 390-17-100 from requesting a payroll deduction for political contributions based on a percentage of the employee's wages or salary, meaning that a requested deduction based on a percentage of the employee's salary is permissible. Therefore, I am dismissing that portion of the complaint in accordance with WAC 390-37-070.

The complaint also alleged Temp-Control Mechanical Corp. may have violated RCW 42.17A.495 and WAC 390-17-100 by collecting vastly more than the amount authorized from the wages of at least some employees.

TCM Corp. denied withholding and sending to Local 598 PAC more than 0.7 percent of wages from Donald Williams, Philip Kronberg, or Shawn Schneirla. TCM Corp. provided a summary derived from its accounting system showing that monthly PAC withholdings for these employees did not exceed the amount authorized by the employees. Therefore, I am dismissing that portion of the complaint in accordance with WAC 390-37-070.

If you have questions, you may contact Phil Stutzman, Compliance Officer, at 360-753-1111; toll-free at 877-601-2828; or by e-mail at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov).

Sincerely,

*Electronically Signed Peter Frey Lavallee*

Peter Frey Lavallee  
Executive Director

Enclosures: Dismissal letter sent to the Freedom Foundation