



**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.pdcc.wa.gov

October 22, 2019

Sent electronically to mhutson@cityofmilton.net and hutson78@yahoo.com

Subject: Complaints filed by Heather Popp, PDC Case 56970

Dear: Mark Hutson

Enclosed is a copy of an electronic letter sent to Heather Popp concerning a complaint filed with the Public Disclosure Commission (PDC) alleging a violation of RCW 42.17A.555 by using agency facilities to assist your campaign and the campaign of Mary Tompkins.

As noted in the letter to Heather Popp, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this letter serves as a formal written warning concerning your failure to comply with the requirements noted in the enclosed letter. This formal written warning comes with PDC staff's expectation you review [PDC guidance](#) (PDC Interpretation 04-02) for local government agencies in election campaigns.

The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules. Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Alice Fiman at (360) 586-4746, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Peter Lavalley
Executive Director



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October 22, 2019

Sent Electronically to Heather Popp at heatherpopp@yahoo.com

Subject: Mark Hutson, PDC Case 56970

Dear Heather Popp:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed September 4, 2019.

Your complaint alleged Mark Hutson, a 2019 candidate for Milton City Council, may have violated RCW 42.17A.555 by using city facilities, specifically his City of Milton e-mail account, to assist his campaign and the campaign of Mary Tompkins, also a candidate for Milton City Council.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the applicable PDC reports, and the response from Mark Hutson to determine whether the record supports a finding of one or more violations. Based on staff's review, we found the following:

- Both Mark Hutson and Mary Tompkins are current members of the Milton City Council, with terms that began in September 2017 and end in December 2019.
- Both Hutson and Tompkins are 2019 candidates for Milton City Council.
- In response, Hutson stated "I have gone (through) my emails again and found a calendar invite and a couple responses to a fundraising event which came from my city email address. This email was apparently sent from my personal phone, I have several email accounts and was unaware that it came from a city account. This was an error on my part."

Based on these findings, staff has determined that in this instance, the use of his City of Milton e-mail to send and receive the above-referenced e-mails does not amount to a material violation warranting further investigation.

However, pursuant to WAC 390-37-060(1)(d), Mark Hutson will receive a formal written warning concerning the use of city facilities to assist an election campaign.

The formal written warning will include PDC staff's expectation Mark Hutson review [PDC guidance](#) for local government agencies in election campaigns.

The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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 Alice Fiman at 1-360-586-4746 or toll-free at 1-877-601-2828, or by e-mail fdc@fdc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Peter Lavalley
Executive Director

/s _____