



**STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION**

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November 4, 2019

Sent electronically to Glen Morgan at glen@wethegoverned.com

Subject: Complaint regarding Deborah Bertlin, PDC Case 57140

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 6, 2019. Your complaint alleged that Deborah Bertlin, the incumbent mayor for the City of Mercer Island, may have violated RCW 42.17A.555 by misusing the City of Mercer Island email to support her own election campaign.

The PDC staff reviewed the allegations listed in the complaint to determine whether a formal investigation or enforcement action is warranted. Staff reviewed all attachments submitted with the complaint, the statute, rules, and PDC Interpretation 04-02 "Guidelines for Local Government Agencies in Election Campaigns," and the September 20, 2019, response from attorney Melissa Greenberg on behalf of Mayor Deborah Bertlin.

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

- On June 30, 2019, Mayor Bertlin sent an email from her City of Mercer Island (City) email account to two city employees. The email was titled "MI Reporter candidate question." In the email, she stated, "Primary candidates have been asked, how do you plan to better involve residents in decision making process within the city? (responses due July 3). You mentioned that you spoke to the City's limitations wrt NextDoor at the candidates' orientation. Would you please provide the same response to me in writing? Unfortunately, I wasn't there and want to be sure anything I might write represents the City's position."
- RCW 42.17A.555 prohibits, in pertinent part, elective officials like Mayor Bertlin from using any facilities of a public office or agency, such as using city-issued email account for the purpose of assisting a campaign for election.
- In her response on behalf of the Mayor Deborah Bertlin, attorney Melissa Greenberg stated, "her email asking for the City's policies was not sent for the purpose of furthering her

campaign for election, but instead, was in service of her role as Mayor of City of Mercer Island as opposed to furthering her campaign for election.” Ms. Greenberg further stated that Mayor Bertlin used her City of Mercer Island email account because she “has an obligation to accurately portray the City’s policies at all times, which she noted in her email when she stated, I want to be sure anything I might write represents the City’s position.”

- Staff found that the email sent by Mayor Bertlin to two City employees on June 30, 2019, was sent for the purpose of furthering her political campaign. Her email to the two City employees asking for the City’s policies was in response/follow-up to a question that the primary candidates had been asked by a reporter. Therefore, the email sent to the two City employees stating, “I want to be sure anything I might write represents the City’s position,” was sent in Mayor Bertlin’s role as a political campaign candidate and not in service of her role as the Mayor of City of Mercer Island.
- PDC staff recognizes that Mayor Bertlin’s dual role as the incumbent mayor and a political candidate in 2019 overlapped. However, it was incumbent upon her to pay attention to the Commission’s Interpretation 04-02, Guidelines for Local Government Agencies in Election Campaigns and use her own dedicated political campaign email account or a private non-City issued email account to correspond with the City’s staff regarding the reporter’s question.

While Mayor Bertlin used her City of Mercer Island email to further or assist her political campaign, this shortcoming is mitigated by the fact that she has no prior PDC violations.

PDC staff is reminding Mayor Bertlin about the importance of not using the City of Mercer Island’s email account to assist her political campaign in the future.

Based on these findings, PDC staff 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 pdcc@pdcc.wa.gov

Sincerely,

Endorsed by:

s/_____
Erick Agina
PDC Compliance Officer

s/_____
BG Sandahl, Deputy Director for
Peter Lavalley, Executive Director

cc: Melissa Greenberg, Respondent’s Attorney