



**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

November 12, 2019

Delivered electronically to "EricD.Peterson@atg.wa.gov"

Subject: Complaint filed by Cody Hart, PDC Case 58006

Dear James Wengler:

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

As noted in the letter to Cody Hart, 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.

PDC staff is reminding you about the importance of avoiding the expenditure of public funds, whether directly or indirectly, to lobby the legislature outside of the proper official channels and the proper performance of official duties. PDC staff expects that you will avoid using publicly funded email and telephone services to solicit personal support or opposition for legislation in the future.

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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November 12, 2019

Delivered electronically to "codycrh@gmail.com"

Subject: Complaint regarding James Wengler, PDC Case 58006

Dear Cody Hart:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 30, 2019. The complaint alleged that James Wengler (Respondent), a board member for the Board of Registration for Professional Engineers and Land Surveyors may have violated RCW 42.17A.635 for indirectly lobbying the legislature outside of authorized channels for public agency lobbying; and RCW 42.17A.640 for failure to report a grass roots lobbying campaign.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; and the response provided by the Respondent, to determine whether the record supports a finding of one or more violations.

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

- The complaint provided evidence of a series of emails from Ken Fuller at the Department of Licensing soliciting support for Senate Bill 5443 (2019), encouraging recipients to contact members of the legislature to voice their support, as well as to encourage other people within their networks to likewise contact members of the legislature to voice their support.
- On February 13, 2019, the Respondent contacted Pat Beehler with the Department of Natural Resources (DNR) requesting that Pat Beehler *sign in an [sic] support the Bill as a Professional Land Surveyor and not as a representative of the DNR. John and Cliff should be there.*"
- On February 15, 2019, the Respondent spoke with Pat Beehler over the phone to confirm Pat's personal support for the bill.
- On February 16, 2019, the Respondent confirmed the telephone conversation with Pat Beehler at his DNR issued email address, providing a list of talking points and indicating, *"I understand you will be talking to Senator Hunt in favor of this bill as a member of the LSAW and not a representative of the Department of Natural Resources."*
- The Respondent states in the response to the allegations that at all times relevant to the complaint, *"any emails that were sent by BORPELS members to stakeholders in the community, they did not involve any use of public funds. Again, the BORPELS members were not paid salaries, and they used private email accounts and their personal equipment and time for any such communications."*

- While the Respondent used a personal email to communicate these messages to Pat Beehler, this email account is used for both personal and public business, and was used to solicit public employees to lobby the legislature outside the proper official channels and proper performance of their official duties.
- No evidence was presented by the complaint to suggest that expenditures exceeding \$1,000 were made to support a grass roots lobbying campaign, as provided by RCW 42.17A.640.

Based on our findings staff has determined that, in this instance, soliciting public employees to lobby the legislature outside of the proper official channels and in the proper performance of their official duties does not amount to a finding of a violation that warrants further investigation.

PDC staff is reminding James Wengler about the importance of avoiding the expenditure of public funds, whether directly or indirectly, to lobby the legislature outside of the proper official channels and the proper performance of official duties. PDC staff expects that James Wengler will avoid using publicly funded email and telephone services to solicit personal support or opposition for legislation 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 Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: James Wengler