



**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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

October 28, 2019

Delivered electronically to "thomas.barger@seattle.gov"

Subject: Complaint filed by Cody Hart, PDC Case 58007

Dear Thomas Barger:

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.

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 pdc@pdc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

October 28, 2019

Delivered electronically to “codycrh@gmail.com”

Subject: Complaint regarding Thomas Barger, PDC Case 58007

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 Thomas Barger (Respondent), a public employee for the City of Seattle 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.
- The Respondent states in the response to the allegations that, *“I represent the North Puget Sound Chapter of the Land Surveyors’ Association of Washington and am Liaison to the BORPELS from that organization and an interested professional land surveyor licensed in the State of Washington. All time spent with correspondence and/or preparing for or attending public meetings on behalf of LSAW is on my personal time.”*
- The Respondent’s official duties do not include advocating in support or opposition to legislation, and the City of Seattle did not take an official position on Senate Bill 5443 (2019).
- The Respondent made a good-faith effort to avoid the direct or indirect expenditure of public funds to support or oppose legislation, by contacting members of the legislature and the public on personal time and from personal emails and phones, rather than those of the City of Seattle.
- 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, insufficient 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 fdc@fdc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Thomas Barger