



**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 31, 2019

Delivered electronically to "albert.wang@atg.wa.gov"

Subject: Complaint filed by Cody Hart, PDC Case 58011

Dear Derek Pohle:

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 pdcc@pdcc.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.pdcca.wa.gov

October 31, 2019

Delivered electronically to “codycrh@gmail.com”

Subject: Complaint regarding Derek Pohle, PDC Case 58011

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 Derek Pohle (Respondent), a public employee with the Washington State County Road Administration Board (CRAB) may have violated RCW 42.17A.635 for indirectly lobbying the legislature outside of authorized channels and .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 serves as the interagency liaison for CRAB, whose official duties include regular contact and interaction with representatives for other state agencies, such as Ken Fuller with the Department of Licensing’s Board of Professional Engineers and Land Surveyors (BORPELS), and Pat Beehler at the Department of Natural Resources.
- The Executive Director of CRAB issued a letter of support for Senate Bill 5443 (2019), expressing the official position of the agency on the legislation, through the proper official channels, as permitted by RCW 42.17A.635.
- The Respondent made no other efforts to lobby the legislature in support or opposition to Senate Bill 5443, nor to solicit other individuals to likewise contact members of the legislature to voice their support or opposition.
- 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, and the response to the complaint indicates, “*I spent no personal funds, even riding with someone else to Olympia for AELC Day.*”

Based on our findings staff has determined that, in this instance, no evidence support 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 pdc@pdc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: Derek Pohle