



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
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**Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

October 28, 2019

Delivered electronically to "pat.beehler@dnr.wa.gov"

Subject: Complaint filed by Cody Hart, PDC Case 58013

Dear Pat Beehler:

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.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your indirect lobbying of the legislature outside of the proper official channels and in the proper performance of your official duties. Staff expects that you will not authorize or engage in the expenditure of public funds, whether direct or indirect, to lobby the legislature outside of the proper official channels and in proper performance of your official duties as a public employee. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s

\_\_\_\_\_  
Fox Blackhorn  
Compliance Coordinator 2

Endorsed by,

/s

\_\_\_\_\_  
Peter Lavalley  
Executive Director



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October 28, 2019

Delivered electronically to “codycrh@gmail.com”

Subject: Complaint regarding Pat Beehler, PDC Case 58013

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 Pat Beehler (Respondent), a public employee for the Washington State Department of Natural Resources (DNR), may have violated RCW 42.17A.635 for indirectly lobbying the legislature outside of authorized channels 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; the responses provided by the Respondent; and the applicable PDC reports filed 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 is the chief Professional Land Surveyor for DNR, whose official duties include providing subject-matter expert review for bills during the legislative session, and providing relevant testimony when needed, and is a former president and member of the Land Surveyors Association of Washington (LSAW).
- In his official capacity, the Respondent took Ken Fuller’s request for support of Senate Bill 5443 (2019) to DNR for their consideration, and DNR made a decision to take no position on the bill.
- On February 13, 2019, the Respondent used DNR emails to convey to James Wengler — a board member for the Board of Registration of Professional Engineers and Land Surveyors, and a former president and member of the LSAW — that while DNR would not take a position on the bill, the Respondent personally supported it. The Respondent suggested that James Wengler “*get Jon Warren to work with Cliff Webster with the AELC [Architects and Engineers Legislative Council] to sign in with support.*”
- James Wengler replied that same day to request that the Respondent, “*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 James Wengler over the phone to confirm that DNR would take no official position, but that he personally supported the bill. When asked whether this call took place using DNR-issued phones, the Respondent stated, *“I don’t recall if I was contacted on my personal cell phone or my office phone. I do not have a DNR issued cell phone.”*
- On February 16, 2019, James Wengler contacted the Respondent at his DNR email address to confirm their phone conversation, provide a list of talking points in support of the bill to forward to members of the LSAW, stating, *“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.”*
- On March 19, 2019, the Respondent testified before the House Consumer Protection & Business Committee on personal, unpaid lunch time, indicating that while he was an employee of DNR, he was testifying in the capacity of a member of LSAW to support Senate Bill 5443 (2019).
- The Respondent testified alongside Katherine Schalk, another employee of DNR, who is also the President of the LSAW, after the Respondent requested her attendance *“during non-working hours so no state facilities or equipment were involved.”*
- While the Respondent may have used DNR phone systems, and did use DNR email systems, to support legislation that the agency had chosen to take no position on, the Respondent also made good faith efforts to avoid the use of state resources in seeking the support of multiple individuals to contact members of the legislature, stating, *“I don’t remember using state facilities or equipment to contact others. I use my private cell phone for that activity.”*
- 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.
- The Respondent has no prior found violations of PDC laws or rules.

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

Pursuant to WAC 390-37-060(1)(d), Pat Beehler will receive a formal written warning concerning indirectly lobbying the legislature outside of the proper official channels and in the proper performance of official duties. The formal written warning will include staff’s expectation that Pat Beehler will not authorize the expenditure of public funds, whether direct or indirect, to lobby the legislature outside of the proper official channels and in proper performance of his official duties as a public employee. 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).

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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](mailto:fdc@fdc.wa.gov).

Sincerely,

/s

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Fox Blackhorn  
Compliance Coordinator 2

Endorsed by,

/s

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Peter Lavalley  
Executive Director

cc: Pat Beehler