



**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.pdca.wa.gov

October 31, 2019

Delivered electronically to "allendauterman@gmail.com"

Subject: PDC Case 58346

Dear Allen Dauterman:

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

As noted below to Nola Coston, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

If you have questions, you may contact Tabatha Blacksmith at 360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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.pdca.wa.gov

October 31, 2019

Delivered electronically to "knkcoston@gmail.com"

Subject: Complaint regarding Allen Dauterman, PDC Case 58346

Dear Nola Coston:

The Public Disclosure Commission (PDC) has completed its review of the complaints you filed on October 2, 2019. Your complaints alleged that Allen Dauterman (the "Respondent") may have violated RCW 42.17A.555 by using public office or agency facilities to assist an election campaign.

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

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

- The Respondent is the Mayor of the City of Newcastle and is a candidate for Newcastle City Council, position 3. The Respondent registered as a candidate with the PDC on June 8, 2019 and selected the mini-reporting option. Mini-reporters are not required to submit C-3 and C-4 reports to the PDC disclosing campaign deposits, contributions and expenditures.
- RCW 42.17A.555 prohibits elected officials and employees of public offices and agencies from directly or indirectly using or authorizing the use of public office/agency facilities to promote or oppose any ballot proposition. "Facilities" include, but are not limited to, use of stationary, postage, machines, equipment, employees during working hours, vehicles, office space, agency publications and client lists. Activities that are "part of the normal and regular conduct of the office or agency" are exempted from this prohibition.
- WAC 390-05-271 states that RCW 42.17A.555 does not prevent a public office or agency from making facilities available on a nondiscriminatory, equal access basis for political uses if such action is part of the normal and regular conduct of the office or agency.
- The City of Newcastle held an event called Newcastle Days at its facility, Lake Boren Park, between September 6-8, 2019. The park is owned by the City of Newcastle, which invited the public and community to rent out booths at the event. The Respondent rented a booth, for which he paid full price. The Respondent attended, and distributed campaign materials at, the event.
- The use of Lake Boren Park and a booth at Newcastle Days are not prohibited uses of public facilities because they were made available to the community on a nondiscriminatory, equal access basis.

- On September 28, 2019, the Respondent attended a City Council Candidate Forum (the “Forum”) hosted by the Newcastle Library, which is part of the King County Library System (KCLS). KCLS is funded by King County. The Complainant indicated that the Respondent distributed campaign materials at the Forum by placing them “on a table located at the entrance to the meeting room.”
- The Respondent received an invitation to the Forum from the Newcastle Library by email on September 21, 2019. In the email, the library indicated its plans to allow each candidate equal time to answer six predetermined questions with an opportunity to speak directly with constituents before and after the scheduled program. In a separate email, dated September 22, 2019, the library invited the candidates to place their campaign literature & contact information on a table outside the Forum’s meeting room during the event.
- The use of its meeting room and table did not violate the Newcastle Library’s *Special Use of Library Facilities & Grounds Policy*. Furthermore, after the Forum concluded, the library removed the candidates’ campaign literature.
- The use of the library’s meeting room and table during the Candidate Forum are not prohibited uses of public facilities because they were made available to the candidates on a nondiscriminatory, equal access basis.

Based on these findings, staff has determined that, in this instance, no evidence supports a finding of a violation warranting 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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Allen Dauterman