



**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

November 27, 2019

Delivered electronically to bandrews@clallamfire3.org and brian@snurelaw.com

Subject: PDC Case 59568

Dear Chief Ben Andrews and Brain Snure, counsel for Clallam County Fire Protection District No. 3:

Enclosed is a copy of an electronic letter sent to Alvin McNeil concerning the complaint filed against Clallam County Fire Protection District No. 3 (the District) alleging violations of RCW 42.17A.555 for using of public facilities to support a political campaign for an Emergency Medical Services levy.

As noted below in the electronic letter to Alvin McNeil, the PDC has dismissed this complaint 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.

However, pursuant to WAC 390-37-060(1)(d), this letter serves as a warning letter to District officials and staff concerning the requirement that election-related information distributed by a public agency using public funds must be a fair and objective presentation of the facts and must not include language or photographs provoking an emotional reaction in support of or in opposition to a ballot proposition. PDC staff expects Clallam Fire Protection District No. 3 officials and staff to follow the PDC guidance in [PDC Interpretation #04-02](#).

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, contact Alice Fiman toll-free at 1-877-601- 2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Peter Lavalley
Executive Director



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November 27, 2019

Delivered electronically to mcneiladc@aol.com

Subject: PDC Case 59568 Clallam County Fire Protection District No. 3 Officials

Dear Alvin McNeil:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed October 31, 2019. Your complaint alleged Clallam County Fire Protection District No. 3 officials or staff (the District) may have violated RCW 42.17A.555 by using, or authorizing the use of, fire district facilities to produce and distribute a newsletter in November 2019 that provided citizens with information in support of Emergency Medical Services Property Tax Levy (Proposition No. 1) in the November 2019 election.

PDC staff reviewed the allegations; the applicable statutes; the newsletter provided; previous newsletters produced by the agency; PDC Interpretation 04-02; and the November 7, 2019 response from Brian Snure, an attorney representing the District.

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

- The District's Fire Commissioners voted in July 2019 to place a 10-year Emergency Services Levy on the November 5, 2019 general election ballot. The measure was approved by voters.
- PDC Interpretation 04-02 advises public agencies to distribute election-related information using only the normal and regular manners of communication. As noted by Snure, "Clallam County Fire Protection District No. 3 has, since 2017, regularly and consistently provided information about Clallam County Fire Protection District No. 3 through newsletters distributed on a jurisdiction wide basis. The District published newsletters in the Fall/Winter of 2017, Spring of 2018, Fall of 2018, Spring/Summer of 2019 and the Fall of 2019." PDC staff reviewed the above newsletters, all available on the District's website.
- The Fall 2019 newsletter to district residents, included a "Chief's Corner" column, with a title of "EMS Levy Renewal." The 2019 edition included two pages of information, with the first page the Chief's Column and the second page information about the District's insurance rating, a column titled "Making the Most of Tax dollars" and a paragraph about the District's need for volunteers.
- PDC Interpretation 04-02 provides guidance to public agencies and its officials and employees about the "objective and fair presentation of the facts" and how the

presentation of facts must avoid “Overtly promotional or oppositional content (including inflammatory or emotionally-driven language; check marks and other indications of support; and gratuitous photos that tend to provoke an emotional reaction—e.g. an image of a body on an EMT stretcher, or a house exploding in flames).”

- In his response, Snure stated “The article that the complainant objected to was one article included in the newsletter. The article was intended to present an objective and fair presentation of the facts related to the upcoming EMS levy and the reasons why Clallam County Fire Protection District No. 3 was running an EMS levy.”
- In his response, Snure stated “The newsletter was drafted with the intent of complying with the PDC rules and we did not intend to include any prohibited statements or information...we do recognize, in hindsight, that two phrases could possibly be interpreted as falling within the scope” and listed the statements “This renewal is vital for the District to be able to continue to provide the high level of care citizens have become accustomed to.” And “We look forward to your continued support during this election.”
- Snure then stated “Once again, in hindsight, we recognize that the use and placement of the statement in this article could be construed as promoting passage of the levy and in the future we will attempt to avoid using this type of language when presenting an objective article explaining a ballot measure. We recognize that the use of the above language could be construed differently than intended and will be more cautious about our word choice and phrasing in the future. In this particular situation, the statements are factually correct, consistent with the mission and purpose of Clallam County Fire Protection District No. 3 and we do not believe the article, the newsletter or the specific language constitutes a substantive violation of RCW 42.17A.555 or the PDC rules.”

Based on these findings, PDC staff has determined that in this instance, the wording used in the 2019 mailer does not amount to a violation warranting further investigation.

Pursuant to WAC 390-37-060(1)(d), District officials and staff will receive a formal written warning concerning the requirement for election-related information, distributed by a public agency using public funds, to be a fair and objective presentation of the facts, and to not include language or photographs provoking an emotional reaction in support of or in opposition to a ballot proposition.

The formal written warning will include staff's expectation that Clallam County Fire Protection District No. 3 and its staff will review and follow PDC guidance in [PDC Interpretation #04-02](#).

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).

If you have questions, contact Alice Fiman at 1-877-601-2828, or by e-mail pdcc@pdcc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____
Peter Lavalley
Executive Director

/s _____