

Key Response Points

- **Previous PDC interpretation**
PDC Interpretation No. 92-01 states that wearing a political button is not to be regarded as a “use of facilities”. The sweatshirt mentioned in the complaint is equivalent to a political button.
- **Passive presence in the room**
The meeting listed in the complaint was not a **city council** function. It was a city function, led by an outside facilitator. I and the other city council members were there as passive observers. We were not seated in any special place, such as at the front of the room.
- **Lack of complaint about similar behavior**
Sean Sundwall, one of the other city council members and a candidate in this election, wore a shirt prominently displaying his name to a city council meeting during the election period. Mr. Holloway has not, to my knowledge, filed a complaint against Mr. Sundwall (presumably because they are aligned with each other in city politics).

PDC Interpretation No. 92-01 (excerpt)

- Wearing Political Pins, Buttons, Etc.
 - An elected official ... is not acting in violation of RCW 42.17A.555 when he or she wears a typical campaign pin or button during normal working hours. Simply wearing a button which encourages support for or opposition to any candidate or ballot proposition, either directly or indirectly, **is a form of personal expression and is not to be regarded as a “use of facilities” within the meaning and intent of the above-referenced statute.** <https://www.pdc.wa.gov/learn/index-of-interpretations-by-subject/wearing-political-pins-buttons-etc>
- My interpretation of this is that the sweatshirt is like wearing political pins, buttons, **etc.** see Figure 3.
- Also, see Figure 10, which shows information from Local Government Elected Officials Guidelines on the PDC web site. This also describes the PDC’s guidance regarding what is allowed and what is not. I am not in violation of anything listed there.

October 10th meeting was not a **COUNCIL** Town Hall Meeting

- Complaint:
“On October 10, 2019 at 6:00 PM Council Member Peggy Shepard attended a **Council** Town Hall Meeting”
- Response:
 - The meeting was not a “**council**” town hall meeting, but rather a city town hall meeting held at Mt. Si High School facilitated by an external contractor; most council members attended but they had no role during the meeting except to observe. See figures: Figure 4, Figure 5, Figure 6, which are slides from the external facilitator’s report. Note that the footer of the slides show that the meeting was “designed and facilitated” by Una McAlinden, the external contractor. The facilitator designed the meeting and determined who could speak and on what topics. The event was not recorded nor were any photos or videos posted onto city sites. Figure 7 shows the page for the meeting on the city’s calendar. It indicates a “Town Hall Meeting”, not a “**Council** Town Hall Meeting”. The meeting details also contain a link (presumably to some additional meeting materials, which could have included a photograph showing me wearing the sweatshirt), but the link does not lead to any page (see Figure 8). While the notification for the meeting is on the city calendar, so are non-city events posted on the city calendar, see Figure 9.
 - The attendees were almost all city employees, city contractors, city council candidates and representatives from other jurisdictions such as the library and non-profit organizations. During the 30 minutes that I

stayed at the meeting there were less than ten people who were potentially City of Snoqualmie voters that didn't work for the city or weren't running for city council.

- I stayed for about 30 minutes, leaving because I had a non-city meeting at 7 I wanted to go to.
- The Council members were each introduced at the beginning of the meeting, but I was not aware that these introductions would be made.
- When I chose my clothing for that day, I assumed that I would be quite unnoticed by the members of the public.
- I did not organize the meeting, nor did I ask anyone to do anything related to the meeting. As such, I did not in any way “use or authorize use” of any facilities as prohibited by RCW 42.17A.555.

Complainant did not file a complaint for another council member wearing a campaign shirt at a city council meeting

- At the last city council meeting before the election in 2019, council member/candidate Sundwall wore a similar campaign shirt during the council meeting. <https://www.youtube.com/watch?v=2RVenBhaNHQ> The video for this meeting was posted on city sites, See Figure 1 and Figure 2. The complainant was at the meeting and to my knowledge has not filed a complaint against council member Sundwall.

Complaint's evidence

- 1) An email from my husband to the PDC asking questions about how the RCW is interpreted in conjunction with a different concern
 - a. The concern in the email was unrelated to the concerns of this complaint.
- 2) Minutes and audio from a council committee.
 - a. At the referenced time mark (1:30:00) the topic being discussed is unrelated to this complaint.
- 3) Minutes and video from a regular council meeting.
 - a. At the referenced time mark (1:45:00) the topic being discussed is unrelated to this complaint.
- 4) A date and name of a Facebook group.
 - a. The URL provided points to a Facebook group. The URL does not point to any specific post in that group. I cannot find any relevant post in that group on the referenced date (September 09, 2019).

Complaint's image of the shirt

The shirt pictured in the complaint was not worn on October 10th. I wore a sweatshirt on October 10th that looked like Figure 3, however, either shirt should be permissible according to PDC Interpretation No. 92-01. The picture used in the complaint was probably a screen capture from a social media post. I own both shirts, and paid for them with personal resources. The shirts are not (per WAC 390-05-271) “facilities of a public office or agency.”

WAC 390-05-271

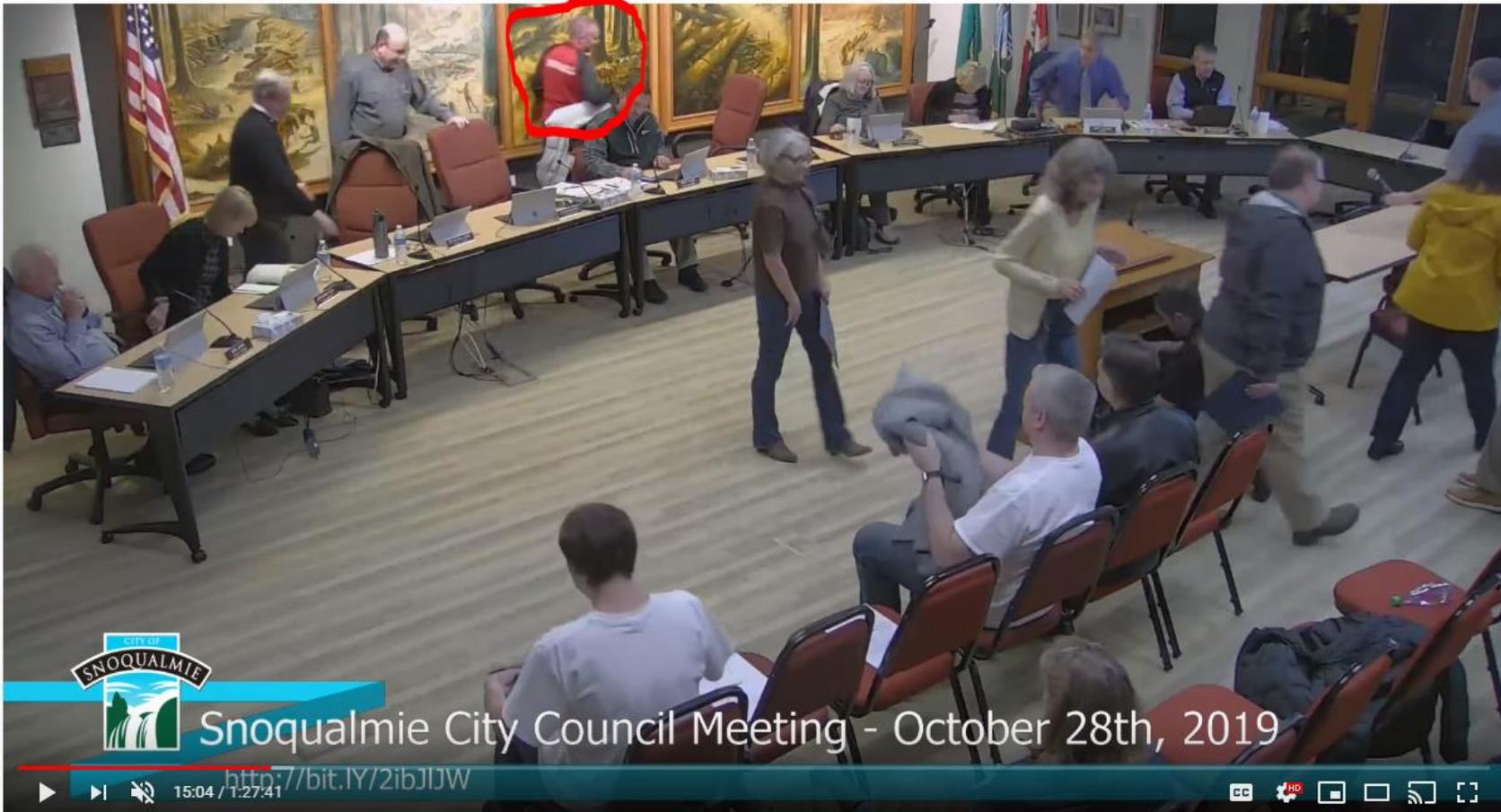
General applications of RCW 42.17A.555.

(1) RCW 42.17A.555 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency. https://www.pdc.wa.gov/sites/default/files/04-02Revised052213.rev_.pdf

Figures



Search



Snoqualmie Council Meeting - October 28th, 2019

50 views · Streamed live on Oct 28, 2019

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City of Snoqualmie Government

SUBSCRIBED



Figure 1 Sundwall Campaign Shirt at Council Meeting <https://www.youtube.com/watch?v=2RVenBhaNHQ>



Figure 2 Sundwall shirt – My representation of what Council Member Sundwall’s shirt looked like in terms of font size and what was written on the back of the shirt (I do not have an actual picture of it)



Figure 3 Shepard shirt



Town Hall Community Meeting - October 10th 2019

Taking Stock of Snoqualmie Today & Tomorrow



What's one thing you value about your community?			
High quality of life	Open green spaces	The beauty of the environment – scenery!	Open spaces
Quiet	Small town	I <3 the walkability of our town & feeling of safety	Beauty of nature/ safety
Natural beauty of our neighborhood	Parks & open spaces	Access to multiple outdoor activities	Natural beauty - safety
Friendly people	Natural environment, parks & trails	Small town vibe	Snoqualmie Falls
Environmental stewardship	Downtown is very walkable	Scenery	"small town" feel – friendly people!
Connection with nature	Small storefronts in downtown		Natural setting – Snoqualmie Falls/history

City of Snoqualmie Community Meeting | October 10, 2019 | Designed & facilitated by Una McAlinden | unamcalinden.com

Figure 4 Community meeting report from external facilitator - Slide 1

Town Hall Community Meeting - October 10th 2019

Taking Stock of Snoqualmie Today & Tomorrow

What do we need to pay attention to as we look ahead to plan for the future?



ON THE HORIZON	EMERGING	ESTABLISHED	DISAPPEARING
<p><i>Which new ideas are way out on the horizon at the edge of acceptance? What are some radical ideas we need to take a closer look at?</i></p> <ul style="list-style-type: none"> Emerging technology that puts less stress on natural resources Full development of Mill site Future tourism strategy Migration away from single occupancy vehicles -> transportation accessibility Unsupervised artificial intelligence Trash-to-energy conversion Pool on the ridge High density: mixed use, apartments & stores Build the Riverwalk Self-driving transportation Contemporary affordable housing 	<p><i>Which trends & practices are picking up momentum & gaining popularity? What are some ideas whose time has come?</i></p> <ul style="list-style-type: none"> Trail connections (i.e. SVT-> Fall City -> Preston trail) Local clinic merging w/ Overlake – better healthcare More public transportation Affordable & senior housing Schools getting better & better Widening Highway 18 Telecommuting to work & school Healthcare for everyone Transit revolution Living buildings Economic diversity Gender diversity 	<p><i>What are “tried & true” practices that are not currently questioned? Which trends are mainstream and standard operating procedure?</i></p> <ul style="list-style-type: none"> Single use plastics Public transportation accessibility Economic silos Safety metrics STEM education Job growth does not support local residents Housing density Tax structure Falls tourism Social media Growth/density inevitable At large Council seats Walkability 	<p><i>Which trends or practices have fallen out of favor or are no longer viable? Which trend have become outdated or irrelevant in today's lifestyles?</i></p> <ul style="list-style-type: none"> Civility Print media Social interaction as a family Rural areas Celebrate & retain area’s history Thriving downtown businesses Flood worries Face to face interactions Single income household Affordable housing All volunteer Fire Dept Keeping farm animals at home – horse, cow, pigs Local farms, dairy etc Company town

Bold = more than one card on a topic

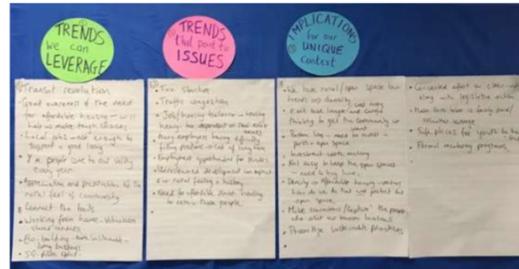
City of Snoqualmie Community Meeting | October 10, 2019 | Designed & facilitated by Una McAlinden | unamcalinden.com

Figure 5 Community meeting report from external facilitator - Slide 2

Town Hall Community Meeting - October 10th 2019

Taking Stock of Snoqualmie Today & Tomorrow

What do we need to pay attention to as we look ahead to plan for the future?



Trends we can leverage for the benefit of our community	Trends that point to issues we need to address	Implications for our unique or particular context
<ul style="list-style-type: none"> ➤ Transit revolution ➤ Good awareness of the need for affordable housing – will help us make tough choices ➤ Local jobs – not enough to support a good living ➤ 8 million people come to our valley every year ➤ Appreciation & preservation of the rural feel of community ➤ Connect the trails ➤ Working from home – source for volunteers/shared services ➤ Eco-building – more sustainable – living buildings ➤ 5G fiber optics internet 	<ul style="list-style-type: none"> ➤ Tax structure ➤ Traffic congestion ➤ Job/housing balance – we’re housing heavy. Too dependent on property taxes ➤ Many employers are having difficulty filling positions because of cost of living here ➤ Employment opportunities for seniors ➤ Unrestrained development can impact our rural feeling & history ➤ Need for affordable senior housing to retain people who retire. 	<ul style="list-style-type: none"> ➤ We love rural/open space but the trend is towards density ➤ It will take longer, cost more, and require careful thinking to get the community we want ➤ Bottom line, we need to invest in parks & open space ➤ Investment worth making ➤ Not easy to keep the open spaces – we need to buy land ➤ Density: affordable housing often means vertical building – how do we do that and protect our open space ➤ Make connections & capture the people who visit our tourism locations ➤ Prioritize sustainable practices ➤ Make a concerted effort on clean-up along with legislative action ➤ Make sure labor is fairly paid for this and/or leverage our volunteers ➤ Youth need safe places to hang out & formal mentoring programs

City of Snoqualmie Community Meeting | October 10, 2019 | Designed & facilitated by Una McAlinden | unamcalinden.com

Figure 6 Community meeting report from external facilitator - Slide 3

Calendar

View All Calendars is the default. Choose Select a Calendar to view a specific calendar. Subscribe to calendar notifications by clicking on the Notify Me® button, and you will automatically be alerted about the latest events in our community.

List Week Month

Find a Facility Notify Me® Subscribe to iCalendar

Search calendar by: Start date End date Search Show Past Events Select a Calendar

Event Details

Return to Previous View Map

Town Hall Meeting

Thursday, October 10, 2019

Date: October 10, 2019

Time: 6:00 PM

Location: Mount Si High School, 8651 Meadowbrook Way SE

Address: Snoqualmie, WA 98065

Link: <http://www.ci.snoqualmie.wa.us/CivicAlerts.aspx?AID=394>

f t e

Figure 7 City calendar (showing “Town Hall Meeting”, not “**Council** Town Hall Meeting”) – also, note the link in the meeting details

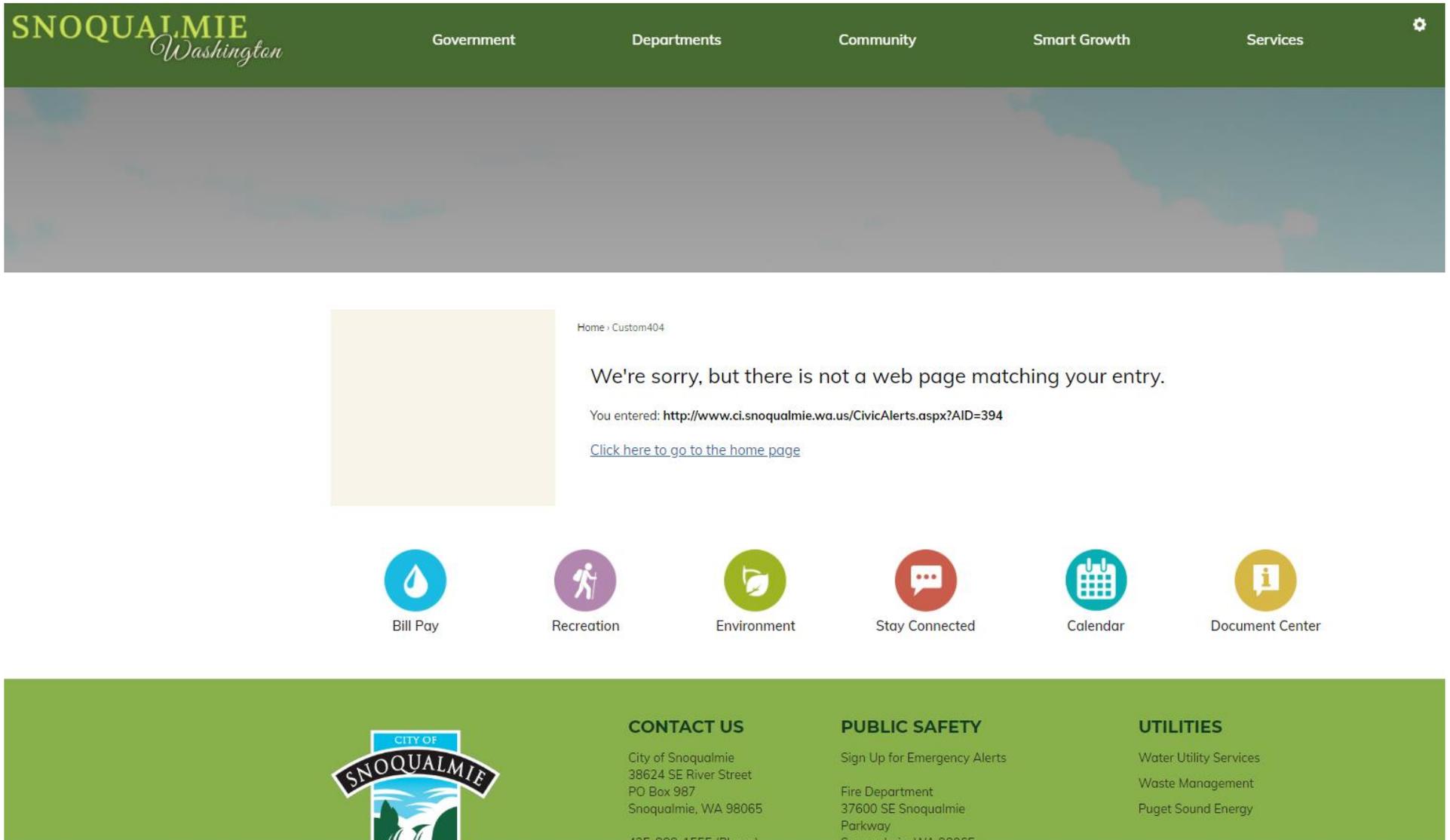


Figure 8 Result of following the link in the meeting details – note that there are no minutes, report, etc. (in particular, no image of Shepard or the sweatshirt on the city web site)

Snoqualmie Washington						
Government Departments Community Smart Growth Services						
Search calendar by: Start date [] End date [] Search [] Show Past Events [] Select a Calendar []						
Prev October ▼ Next 2019 ▼ Expand All Events						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	01	02 Civil Service Commission Meeting	03	04	05 CPR/AED/1st AID COURSE Snoqualmie Valley YMCA Community Bounce Event
06	07 Community Development Committee Meeting CANCELLED-Planning Commission Meeting Public Safety Committee Meeting	08 Finance and Administration Committee Meeting Parks & Public Works Committee Meeting	09	10 Town Hall Meeting	11	12
13	14 Arts Commission Meeting - Cancelled City Council Meeting City Council Meet and Greet	15	16 Economic Development Commission Meeting Economic Development Commission Retreat Special Meeting Public notice 10 16 2019 (PDF)	17	18	19 Halloween Storytelling Train Trick or Treat on the Ridge
20 Halloween Storytelling Train	21 Community Development Committee Meeting Parks & Events Commission Meeting Planning Commission Meeting	22 Finance and Administration Committee Meeting Parks & Public Works Committee Meeting	23 Lodging Tax Advisory Committee Meeting	24	25	26 Halloween Storytelling Train
27 Halloween Storytelling Train	28 City Council Meeting Public Hearing - Floodplain Plan and Annual Progress Report Special Council Meeting -	29	30 Public Hearing- Winter Shelter	31 Trick or Treat in Downtown Snoqualmie Trunk or Treat	01	02

Figure 9 City calendar – page for October 2019, showing the Town Hall Meeting (not “**Council** Town Hall Meeting”) and highlighting other non-council events

**Public Disclosure Commission
Guidelines for Local Government Agencies in Election Campaigns**

Persons	Permitted	Not Permitted	General Considerations
<p>Local Government Elected Officials</p>	<ul style="list-style-type: none"> • May engage in political activities on his or her own time, if no public equipment, vehicle or facility is used. (An elected official may use his or her title, but should clarify that he/she is speaking on his/her own behalf, and not on behalf of the agency. If the elected legislative body has adopted a resolution, the official can then speak on behalf of the agency.) • May attend any function or event at any time during the day and voice his or her opinion about a candidate or ballot proposition as long as they are not being compensated and are not using any public equipment, vehicle or other facility. 	<ul style="list-style-type: none"> • Shall not direct agency staff to perform tasks to support or oppose campaign activities or ballot measures. • Shall not use public facilities or resources to engage in political activities. 	<ul style="list-style-type: none"> • Is the elected official using staff time, a public vehicle, or other public resources? • Has the agency adopted a resolution? If yes, the elected official can speak on behalf of the agency. If not, has the elected official made it clear that he or she is not speaking on behalf of the agency? • For considerations regarding uniforms and related equipment, see pages 14-18. • For considerations regarding officials' calendars, see pages 27 - 28.

Figure 10 Local Government Elected Officials Guidelines https://www.pdc.wa.gov/sites/default/files/04-02Revised052213.rev_.pdf

Copy Of The Complaint

Respondent Name	Mary “Peggy” Shepard
Complainant Name	David Bryan Holloway
Complaint Description	<p><u>Bryan Holloway</u> reported via the portal Wed, 30 Oct 2019 at 8:47PM</p> <p>On October 10, 2019 at 6:00 PM Council Member Peggy Shepard attended a Council Town Hall Meeting, of the city council of Snoqualmie, wearing a campaign sweatshirt listing out three candidates currently campaigning in the November 2019.</p> <p>Council member Shepard is in full knowledge of RCW 42.17A.555 as demonstrated by her husband’s complaint on another matter citing this code (1), her attendance at Snoqualmie F&A meeting discussing the RCW code considerations in regards to a change of Council proceedings to remain in compliance (2) and her participation in Council discussion on those changes (3). The sweatshirt in question was purchased solely for the purposes of campaigning as demonstrated by her Facebook post regarding its purchase (4).</p> <p>At the beginning of the meeting on October 10, 2019 fellow council members and others advised Ms. Shepard that the shirt was in violation of RCW, but she did not remove the shirt or herself from the meeting. At this time council was taking under consideration suspension of proceedings in order to remain compliant with the cited RCW. Latter staff showed on line to Ms. Shepard the cited RCW 42.17A.555 and again advised her on her responsibilities in this regards. After this Ms. Shepard exited from the meeting.</p> <p>Based upon the prior actions and meetings cited, my opinion is that this violation of RCW 42.17A.555 was done with full knowledge and intent. Acting as Mayor Protem for the city of Snoqualmie, I request PDC review and actions as appropriate be taken against Ms. Shepard in regards to this incident.</p> <p>Bryan Holloway.docx 14.47 KB</p> <hr/> <p><u>Bryan Holloway</u> replied Sun, 10 Nov 2019 at 6:55PM to: "PDC Support" pdc@pdc.wa.gov</p> <p>Image of shirt:</p>



What impact does the alleged violation(s) have on the public?

Use of Public Office to campaign

List of attached evidence or contact information where evidence may be found

1) Email; “Is This an Allowed Activity?” From: Dick Scheel (Spouce to Council Member Peggy Shepard; To: Washington Public Disclosure Commission; Dated: June 17, 2019.

2) City of Snoqualmie, Finance and Administration Committee Snoqualmie. August 6, 2019

Minutes: <http://wa-snoqualmie.civicplus.com/DocumentCenter/View/28158/Finance-and-Administration-Council-Committee-Agenda-08-06-2019-PDF>

Audio: <http://wa-snoqualmie.civicplus.com/DocumentCenter/View/28165/20190806Finance-and-Administration-Council-Committee-Audio>, Time Mark: 1:30:00

3) City of Snoqualmie, Regular council Meeting, September 09, 2019

Minutes: <http://www.ci.snoqualmie.wa.us/DocumentCenter/View/29719/City-CouncilMinutes-09-09-2019-PDF>

Video: <https://www.youtube.com/watch?v=E4bdk82UHBI>, Time Mark: 1:45:00

4) Facebook page: City of Snoqualmie Politics;

<https://www.facebook.com/groups/CityofSnoqualmiePolitics/>; Peggy Shepard post September 09, 2019

List of potential witnesses with contact information to reach them

Snoqualmie City Attorney: Bob Sterbank, 425-831-1888, bsterbank@ci.snoqualmie.wa.us

Snoqualmie City Clerk: Jodi Warren, 425-888-8016, jwarren@ci.snoqualmie.wa.us
Snoqualmie City council Member: Bob Jeans, bjeans@ci.snoqualmie.wa.us

Certification (Complainant)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

Bryan Holloway c/o City of Snoqualmie
38624 SE River Street
PO Box 987
Snoqualmie, WA 98065 425-524-5437
bholloway@ci.snoqualmie.wa.us

October 13, 2019

Washington State Public Disclosure Commission
711 Capitol Way S. #206
PO BOX 40908
Olympia, WA 98504-0908

Subject Violation of RCW 42.17A.555 Pursuant to Use of Public Office for the purposes of supporting a campaign

References:

- 1) Email; "Is This an Allowed Activity?" From: Dick Scheel (Spouce to Council Member Peggy Shepard; To: Washington Public Disclosure Commission; Dated: June 17, 2019.
- 2) City of Snoqualmie, Finance and Administration Committee Snoqualmie. August 6, 2019
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- 4) Facebook page: City of Snoqualmie Politics;
<https://www.facebook.com/groups/CityofSnoqualmiePolitics/>; Peggy Shepard post
September 09. 2019

On October 10, 2019 at 6:00 PM Council Member Peggy Shepard attended a Council Town Hall Meeting, of the city council of Snoqualmie, wearing a campaign sweatshirt listing out three candidates currently campaigning in the November 2019.

Council member Shepard is in full knowledge of RCW 42.17A.555 as demonstrated by her husband's complaint on another matter citing this code (1), her attendance at Snoqualmie F&A meeting discussing the RCW code considerations in regards to a change of Council proceedings to remain in compliance (2) and her participation in Council discussion on those changes (3). The sweatshirt in question was purchased solely for the purposes of campaigning as demonstrated by her Facebook post regarding its purchase (4).

At the beginning of the meeting on October 10, 2019 fellow council members and others advised Ms. Shepard that the shirt was in violation of RCW, but she did not remove the shirt or herself from the meeting. At this time council was taking under consideration suspension of proceedings in order to remain compliant with the cited RCW. Latter staff showed on line to Ms. Shepard the cited RCW 42.17A.555 and again advised her on her responsibilities in this regards. After this Ms. Shepard exited from the meeting.

Based upon the prior actions and meetings cited, my opinion is that this violation of RCW 42.17A.555 was done with full knowledge and intent. Acting as Mayor Protem for the city of Snoqualmie, I request PDC review and actions as appropriate be taken against Ms. Shepard in regards to this incident.

Sincerely,

D. Bryan Holloway

Council Member, Mayor Protem City
of Snoqualmie Washington.