



**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

March 2, 2020

Delivered electronically to “mgulbranson@psrc.org and tbarnett@cascadialaw.com”

Subject: Complaint filed by Joe Kunzler, PDC Case 62940

Dear Puget Sound Regional Council Staff and Board Members:

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

As noted in the letter to Joe Kunzler, 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 Tabitha Townsend at 1-360-586-4555 or toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Endorsed by,

/s

Tabitha Townsend
Compliance Coordinator

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcca.wa.gov

March 2, 2020

Delivered electronically to “growlernoise@gmail.com”

Subject: Complaint regarding Puget Sound Regional Council Staff and Board Members, PDC Case 62940

Dear Joe Kunzler:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on January 13, 2020. The complaint alleged that Puget Sound Regional Council (PSRC) Staff and Board Members (Respondent), a regional council for transportation, growth management and economic development in the Puget Sound Region, may have violated RCW 42.17A.555 for misuse of public facilities, by allowing an individual to promote or oppose a campaign or ballot proposition during open public comments during a public meeting.

PDC staff reviewed the allegations; the applicable statutes and rules, as well as 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:

- Pursuant to RCW 42.17A.555 the Respondent is not allowed to support or oppose a campaign or ballot proposition and is not allowed to authorize anyone to support or oppose any election campaign or ballot proposition using public facilities.
- It is incumbent upon elected and appointed officials, and any public employees to prohibit public facilities from being utilized to support or oppose election campaigns.
- The board should make clear that open public comment may not be used to support or oppose election campaigns.
- Becky Erickson, Chair of the Transportation Policy Board of the PSRC does read rules of the public comment section of the meeting, including a two-minute time limit and states that all person’s wishing to speak are to speak to an action and or discussion item listed on the agenda; there is no mention of forbidden speech in the reading of the rules.
- The complaint alleges that the Candidate, Alex Tsimerman, was allowed to campaign in open public comments during a regular PSRC committee meeting on January 9, 2020.
- Alex Tsimerman was called to speak during the public comment portion of the meeting by the Chair.
- As part of Alex’s introduction, he states his name and that he is a candidate for Governor in 2020 and then he speaks to an agenda item number ten.
- He does not speak about his campaign, other than during his introduction, rather he speaks against city and other officials, not any known opposing Gubernatorial candidates.

Based on our findings staff has determined that, in this instance there is no evidence that supports the 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 Tabitha Townsend at 1-360-586-4555 or toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Endorsed by,

/s

Tabitha Townsend
Compliance Coordinator

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: Puget Sound Regional Council Staff and Board Members