



**STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION**

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September 4, 2020

Sent electronically to Norm Smith at normsmith307@gmail.com

Subject: Complaint regarding Devin Beach, PDC Case 74205

Dear Mr. Smith:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on July 27, 2020. Your complaint alleged that Devin Beach, a first-time candidate for the County Commissioner (Position 1) for Pend Oreille County, may have violated RCW 42.17A.235 for failure to provide digital access to candidate's books of account within 48 hours of request.

The PDC staff reviewed the allegations listed in the complaint to determine whether a formal investigation or enforcement action is warranted. Staff reviewed all attachments submitted with the complaint, the statute, rules, and the July 28, 2020 response from Devin Beach.

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

- On March 14, 2020, Devin Beach filed a Candidate Registration (C-1 report) declaring his candidacy for County Commissioner (Position 1) for the County of Pend Oreille in 2020, selecting the Full Reporting Option.
- On April 9, 2020, Devin Beach filed an amended Candidate Registration (C-1 report) and changed from the Full Reporting Option to Mini Reporting Option.

Alleged failure to provide digital access to candidate's books of account within 48 hours of request in the 2020 election year (RCW 42.17A.235(6)(a)).

- The law requires that the books of account be open for public inspection by appointment at a place agreed upon by both the treasurer and the requestor. The appointment must be allowed at an authorized time and day for such inspections that is within forty-eight hours of the time and day that is requested for the inspection. If the treasurer and requestor are unable to agree on a location and the treasurer has not provided digital access to the books of account, the

default location for an appointment shall be a place of public accommodation selected by the treasurer within a reasonable distance from the treasurer's office.

- On July 25, 2020, at 12:58 AM, you, Norm Smith, made a request to inspect Devin Beach's books of account. Your request was made via email to the email address of record on Mr. Beach's Candidate Registration (C-1) form.
- On July 27, 2020, two days after your email request to inspect the books of account, you, Norm Smith, filed a complaint against Devin Beach, and attached a screenshot of the email request you sent to Devin Beach on July 25, 2020.
- On July 28, 2020, at 1:32 AM, Devin Beach responded to your request via email stating, "Please be advised I (Devin Beach Commissioner Candidate) will be available with Wendy Beach on Friday July 31st at 12:30 PM at Owens Grocery & Deli for inspection of my Candidate Campaign Records. Tues, Wed we will transfer records to legal viewing documents as discussed in my call with the PDC of WA State on Monday. We are booked with appointments all day Thursday. A excel spreadsheet of my records will be provided for your viewing. Our current schedule only has this time available. A mask will be required."
- In his response received on July 28, 2020, Mr. Devin stated: "My response sent to Norm Smith at 1:32 am today 47 hours and 59 minutes from the time of the email he sent to Devin Beach on early Sunday morning at 1:33 am. Norm was sent a second email correcting the date we had available later this afternoon . He did not respond. Norms first email went int spam and was never opened (see attached screen clip). Norm Smith had lied to the PDC again using WA State PDC as a weapon to hurt my campaign and character to further the opponent he supports. I have also attached a clip written by Norm Smith where he states his intentions were to take away time from us campaigning."
- On July 31, 2020, Mr. Beach sent an email to PDC staff stating, "Please be advised Norm Smith refused to meet with myself and Wendy Beach to inspect my records. His Email also went to my spam folder again but since his last attempt to get in trouble I have been checking for his response." Attached to this email were screenshots of messages from you, Norm Smith, to Devin Beach, stating "Just as you have no obligation to accept a Digital Inspection, I have no obligation to accept your demand for a physical inspection. I will not be meeting with you in person before the Primary. If you make it through the Primary, I will revisit the issue in October."

Based on these findings staff has determined that, in this instance, the evidence does not support a finding of a violation warranting further investigation or enforcement action in this matter.

Based on this information, the PDC staff 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 Erick Agina at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

Endorsed by:

s/ _____
Erick Agina
PDC Compliance Officer

s/ _____
Barbara Sandahl, Deputy Director for
Peter Lavalley, Executive Director

cc: Devin Beach

