



**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

December 21, 2020

Delivered electronically to Jani Hitchen at “jhitchen29th@hotmail.com”

Subject: Complaint filed by Robert Parker, PDC Case 78803

Dear Jani Hitchen:

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

As noted in the letter to Mr. Parker, 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.

PDC staff is reminding you about the importance of reviewing the applicability of RCW 42.17A.555 and PDC Interpretation 01-03 *Guidelines for School Districts in Election Campaigns* and expects you to ensure any future campaign related activities fully comply with PDC statutes and rules.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

Electronically signed

Jennifer Hansen
Compliance Officer

Electronically signed

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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December 21, 2020

Delivered electronically to Robert Parker at “recordstransferacct@gmail.com”

Subject: Complaint regarding Jani Hitchen, PDC Case 78803

Dear Robert Parker:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 14, 2020. The complaint alleged that Jani Hitchen, a candidate for Pierce County Council, Position 6 in the 2020 election, may have violated RCW 42.17A.555 for misuse of public facilities to support her own election campaign.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by Jani Hitchen (the “Respondent”); and PDC Interpretation 01-03, to determine whether the record supports a finding of one or more violations.

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

- Jani Hitchen filed a Candidate Registration (C-1 report) on December 19, 2019, declaring her candidacy for Pierce County Council, Position 6 in the 2020 election, and choosing the “Full Reporting” option.
- RCW 42.17A.555 prohibits the use of public facilities to support or oppose candidates, including school equipment, space, and staff time.
- The Commission adopted PDC Interpretation 01-03, *Guidelines for School Districts in Election Campaigns*, which provides information concerning the use of public facilities including activities that are permitted or prohibited, activities which are part of the “normal and regular conduct” of the school equipment, space, staff time and other general considerations.
- The complaint alleged that Ms. Hitchen misused the school space and equipment belonging to the public school where she was also employed as a teacher. The complaint included two photos taken from the Elect Jani Hitchen Facebook page, one showing Ms. Hitchen in a classroom with a 2020 campaign sign beside her and a second “selfie” with a caption posted by Ms. Hitchen stating that she was in her empty classroom.
- The complaint included additional information regarding a separate government employee who may have violated RCW 42.17A.555 by sharing one of the posts made by Ms. Hitchen. No evidence was found to show that Dana Coggan used public facilities to share the Facebook post and thus staff did not investigate this allegation further beyond the potential connection to the allegation against Jani Hitchen.
- In her response, Ms. Hitchen stated that she believed there was some confusion regarding the specific restrictions on the use of public areas and removed the two posts referenced in the complaint as soon as the issue was brought to the campaign’s attention. Ms. Hitchen went on to explain that she had received permission from the school principal

and the district superintendent before engaging in the activity and noted that the photos were taken outside of normal school hours and with her personal cell phone.

- Ms. Hitchen is a first-time candidate, has no prior PDC violations and won election to the Pierce County Council in the November 3, 2020 general election.

It appears that Ms. Hitchen taking campaign related photos of herself and her classroom and then posting them on her campaign Facebook page, were done intentionally but with a mind towards compliance with state laws, rules and PDC Interpretation 01-03. Ms. Hitchen responded timely to the complaint and removed the posts in the interest of full compliance. Staff found that any minor misuse of public facilities by Ms. Hitchen was done because of a general misunderstanding and not a disregard for the statutory restrictions. However, it is staff's opinion that the public areas contemplated by PDC Interpretation 01-03 are those typically used or rented by community members or organizations within the school district boundaries, and that individual classrooms would not normally be available for non-school related activities.

Based on our findings staff has determined that, in this instance, the taking and posting of two campaign related photos does not amount to a finding of a violation that warrants further investigation.

PDC staff is reminding Jani Hitchen about the importance of reviewing the applicability of RCW 42.17A.555 and PDC Interpretation 01-03 *Guidelines for School Districts in Election Campaigns*, to ensure any future campaign related activities fully comply with PDC statutes and 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, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

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Barbara Sandahl
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For Peter Lavallee
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cc: Jani Hitchen