



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.pdcc.wa.gov

June 19, 2019

Sent electronically to Scott Schmig

Subject: Complaint filed against Scott Schmig, PDC Case 35940

Mr. Schmig:

Below is a copy of an electronic letter sent to Vicki Heimark concerning the complaint she filed with the Public Disclosure Commission (PDC) against you in 2018. As noted in the letter to Ms. Heimark, the PDC will not be conducting a more formal investigation into these allegations or taking any action in this matter.

PDC staff is reminding you about the prohibitions found in RCW 42.17A.555 against using the facilities of a public agency to support or oppose a candidate or ballot proposition, including your own candidacy should you become a candidate again in the future.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, you may contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdcc.wa.gov.

Sincerely,

Endorsed by:

s/_____
Kurt Young, Compliance Officer

s/_____
BG Sandahl, Deputy Director
For Peter Lavalley, Executive Director



Public Disclosure Commission
Shining Light on Washington Politics Since 1972



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June 19, 2019

Delivered electronically to Vicki Heimark

Subject: Complaint regarding Scott Schmig, PDC Case 35940

Ms. Heimark:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on May 25, 2018. Your complaint alleged that Scott Schmig, an employee in the Grant County Treasurer's Office and a candidate for Grant County Assessor in 2018, may have violated RCW 42.17A.555 by using Grant County facilities to support his 2018 candidacy for public office.

PDC staff reviewed the complaint, the statute, rules, and PDC Interpretation 04-02 Guidelines for Local Governmental Agencies in Election Campaigns, and the May 29, 2018 response from Scott Schmig. As a result of staff's review, we found the following:

- RCW 42.17A.555 prohibits public agencies from using or authorizing the use of public facilities, directly or indirectly, for the purpose of promoting or opposing any ballot measure. This prohibition does not apply to activities that are part of the normal and regular conduct of the public agency.
- On May 29, 2018, Scott Schmig filed a Candidate Registration (C-1 report) with the as a first-time candidate seeking the office of for Grant County Assessor in 2018, selecting the Full Reporting Option, and listing Omar Mendez as the Campaign Treasurer, and Jaelyn Lugar as Secretary
- Your complaint alleged that when you were in the Grant County Treasurer's office on May 18, 2018, completing some paperwork and that you overheard Scott Schmig, a Treasurer's Office employee on the telephone with a customer. You alleged that during the conversation, Mr. Schmig *"proceeded to complain that a "certain office" was closing for several hours and how that was a disservice to the public."* You stated that based on only Mr. Schmig's statements, you knew he was talking about *"the Assessor's office as I had received an email notice days in advance from the Assessor's office about the closure for training. Before completing the call, Mr. Schmig asked the caller if they would like to contribute to his campaign fund."*
- Mr. Schmig stated in his response that he was working in the Grant County Treasurer's office on May 18, 2018, and that he did take several telephone calls including a call in which he was asked by a caller whether or not it was "against State law to close a office completely for training." He stated he informed the caller that he was not sure if it was against the law to close an agency for employee training and added the person that was on the phone with him had no idea, he was running for office in 2018.

- Mr. Schmig stated that the issue of him being a 2018 candidate and running for office was “not even brought up in conversation” and that when he was responding to the caller in question, it was in his official capacity as an employee of the Grant County Treasurer's office.
- Mr. Schmig stated that he never used his office or work time to conduct “political business” or to support his candidacy, and that when he does “conduct political business, he does it during his lunch hour and off of county property or campus. He noted in his response that after receiving your complaint, if he received any additional inquiries concerning the Grant County Assessor's office, he “will distance myself from that situation and let someone else in the office take that call and answer those questions.
- Mr. Schmig noted that this was a “good learning experience” for him and is aware of the prohibitions concerning the use of public facilities to support or oppose a candidate or ballot proposition moving forward.

Scott Schmig was a first-time candidate for public office, has no prior PDC violations, and no additional complaints or allegations were filed concerning his actions as a candidate during the 2018 elections, and he was not elected into office. The evidence you provided as the basis of your complaint, involved you, while standing in the Grant County Treasurer's Office as a customer overhearing a telephone conversation that Mr. Schmig was engaged in with a caller. Under PDC laws and rules, the evidence provided doesn't establish a violation of RCW 42.17A. warranting further investigation or enforcement action.

PDC staff is reminding Scott Schmig about the prohibitions against using the facilities of a public agency to support or oppose a candidate or ballot proposition, or his candidacy should he become a candidate for public office again in the future.

Based on this information, the PDC has dismissed the complaint in accordance with RCW 42.17A.755(1). If you have questions, you may contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,

Endorsed by:

s/_____
Kurt Young, Compliance Officer

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

cc: Scott Schmig

