



**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 1, 2021

Delivered electronically to Zachary Zappone

Subject: Complaint regarding Zachary Zappone, PDC Case # 99799

Zachary Zappone:

The Public Disclosure Commission (PDC) has completed its review of the complaint filed against you by Steve Freeman. As noted below in the letter sent to Mr. Freeman, the PDC will not be conducting a more formal investigation into the allegations or taking any enforcement action in this matter.

No evidence was found by PDC staff that you violated RCW 42.17A.555 by using the facilities of the Spokane School District to support your candidacy for Spokane City Council in 2021.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, please contact PDC Compliance Officer Kurt Young by e-mail.

Sincerely,

Endorsed by,

/s _____
Electronically Signed Kurt Young
PDC Compliance Officer

/s _____
Electronically Signed Kim Bradford, Deputy Director for
Peter Lavallee, PDC Executive Director





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December 1, 2021

Delivered electronically to Steve Freeman

Subject: Complaint regarding Zachary Zappone, PDC Case # 99799

Steve Freeman:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 4, 2021. The complaint alleged that Zachary Zappone, a 2021 candidate seeking the office of Spokane City Council, District 3 Position #2, and a Spokane School District teacher, may have violated RCW 42.17A.555 by using the facilities of the Spokane School District to make a video that included footage taken in a classroom and in front of a school that was used as a political advertisement in support of his candidacy.

PDC staff reviewed the allegations listed in the complaint; the applicable statutes, rules and PDC Interpretation #01-03 Guidelines for Local Government Agencies in Election Campaigns; the Zachary Zappone Campaign video/political advertisement, and the responses Zachary Zappone provided to the allegations listed in the complaint. Based on staff's review, we found the following:

- RCW 42.17A.555 states that public facilities cannot be used by or authorized to be used, directly or indirectly, by any local elected, appointed official or public employee, to support or oppose any candidate or ballot proposition.
- On January 4, 2021, Zachary Zappone filed a candidate registration with the PDC declaring his candidacy for Spokane City Council, District 3, Position #2 for 2021. selected the Full Reporting Option and listed Andrew Taylor as Ministerial Treasurer. For the 2020 election cycle, Mr. Zappone was a candidate for State Representative in the 6th Legislative District
- During the 2021 election cycle, Zachary Zappone was a teacher at North Central High School in the Spokane School District.
- Mr. Zappone stated that he contacted PDC staff at the beginning of his 2021 Campaign seeking to clarify what he could do as a public school employee concerning the use of public facilities to support his candidacy, and what the prohibitions were. He stated that he did not violate RCW 42.17A.555 by using Spokane School District facilities for political purposes to support his 2021 candidacy. During his contact with PDC staff he stated that he was informed that he was “allowed to be outside on public property to film a commercial” for his Campaign, provided it was not filmed during school hours.

- Concerning the video footage featuring Mr. Zappone walking with two other students and shot on the sidewalk in front of the high school, he stated he was informed by PDC staff that it would be similar to filming or having a photograph taken “in a public park or on the public right of way.” He added that was “what I did by standing outside on the sidewalk in front of the high school” which he noted was not a use of a Spokane School District facilities.
- Mr. Zappone stated that concerning the allegation of the video footage taken inside a classroom, he stated the footage was not taken in a Spokane School District school or any school district classroom, the classroom scene was filmed at the MLK Center in Spokane. He stated that when he contacted PDC staff, he also raised the issue concerning the use of classroom space to shoot a video, and was told he could not use a Spokane School District classroom unless it was “publicly available” on an equal access basis to the public, similar to that of a library or a community center.
- Mr. Zappone stated that his Campaign filmed the classroom scene at the MLK Center in Spokane, in accordance with the guidance he received from PDC staff and reiterated that the videotaping was “not filmed at a Spokane School District facility.” He stated that his Campaign “did not sign any agreements or forms” for the room rental at the MLK Center and rented the room for an entire hour but ended up only using the room for 30 minutes to shoot the video.
- Mr. Zappone stated that after reviewing his Campaign books of account, “we could not find an invoice for the time we used the room like we had discussed with the MLK Center.... I have since reached out to them to ask for an invoice per our discussion last year and will be paying it as soon as possible.”
- Mr. Zappone stated that the students featured in his Campaign video “reached out to me through my internship and volunteer page on my campaign website. I did not use class time to recruit students or ask them to be in my videos.” He stated that he “wanted to make sure I did not violate RCW 42.17A.555....I consulted with the PDC before campaigning and did not use Spokane Public School District facilities for any part of the filming to make this ad.”

Based on these findings, PDC staff found no evidence of a violation that would require conducting a more formal investigation into the complaint or pursuing enforcement action in this instance. PDC staff found no evidence that Zachary Zappone violated RCW 42.17A.555 by using the facilities of the Spokane School District to support his candidacy for Spokane City Council in 2021.

The PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, you may contact Kurt Young by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s
Electronically Signed Kurt Young
Compliance Officer

/s
Electronically Signed Kim Bradford, Deputy Director for
Peter Lavalley, PDC Executive Director