



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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January 2, 2022

Delivered electronically to "dhhinojosa1983@gmail.com"

Subject: Toppenish School District Officials, PDC Case 99943
Complaint regarding Clara Jimenez, PDC Case 99943
Complaint regarding Rosa Ortiz, PDC Case 99943
Complaint regarding Autumn Torres, PDC Case 99943

Dear David Hinojosa:

The Public Disclosure Commission (PDC) has completed its review of three complaints you filed regarding campaign yard signs on Toppenish School District property supporting: (1) Clara Jimenez, October 13, 2021 (99568); Rosa Ortiz, October 13, 2021 (99570); and Autumn Torres, October 27, 2021 (100150). Your complaints alleged Toppenish School District officials may have violated RCW 42.17A.555 by allowing the campaigns of Clara Jimenez, Rosa Ortiz, and Autumn Torres to place campaign signs on Toppenish School District property. You alleged the campaign signs were at every school in the District and were misleading because they caused the public to believe Toppenish School District supported the candidates identified on the signs.

PDC staff reviewed your allegations; the applicable statutes and rules; a response provided by John Cerna, Superintendent, Toppenish School District; and a statement from Clara Jimenez; to determine whether the record supports a finding of one or more violations.

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

- The complaints included pictures of multiple yard signs supporting candidates for Toppenish City Council, Toppenish School Board, and Yakima County Commissioner.
- John Cerna, Superintendent, Toppenish School District, asked PDC staff about the law and asked why yard signs on school district property is just now being reported to the PDC when signs have been placed on school district property during every election for years without a complaint being filed. He also noted there are signs on District property identifying more candidates than the

three cited in the complaints. Superintendent Cerna pledged to have the District's facilities workers remove all political signs from District property.

- Superintendent Cerna also said he had no idea it was illegal to put political signs on school property and said he would do his due diligence to contact the owners of the signs to have them removed. He said this is not the first time campaigns have placed campaign signs on District property but said this is the first time anyone has complained. He said he wondered why the complaint was not toward the owners of all signs posted on District property.

Clara Jimenez, Toppenish City Council Candidate and Toppenish School Board Member

- The complaint concerning Clara Jimenez signs included three photos. All three photos included a sign supporting Clara Jimenez for Toppenish City Council. Each photo showed a sign at a different location on school district property.
- Ms. Jimenez called PDC staff and asked about the complaint. She stated she did not place campaign signs on school district property and said she has always placed her signs in rights-of-way, not on school district property. Ms. Jimenez confirmed the photos submitted with the complaint did show her signs on District property but said she did not place her signs in the locations identified in the photos. Ms. Jimenez said she was going to remove her signs from school district property immediately. She said it appeared someone moved her signs to District property.

Rosa Ortiz, Toppenish School Board Candidate

- The complaint concerning Rosa Ortiz signs included three photos. Each photo showed the same campaign sign but in a different location on school district property. Each photo showed a yard sign supporting Clara Jimenez for Toppenish City Council and a sign supporting Rosa Ortiz for Toppenish School Board.

Autumn Torres,

- The complaint concerning Autumn Torres signs included three photos. The first photo was of a sign supporting LaDon Linde for Yakima County Commissioner. The second and third photos showed signs supporting Autumn Torres for Yakima County Commissioner.

While Superintendent John Cerna did not explicitly authorize the placement of individual campaign yard signs on school district property, he was aware campaign signs were being placed on District property and did not object to the placement of the signs, stating he was not aware the placement of campaign signs on District property was prohibited. Superintendent Cerna is now aware of the prohibitions in RCW 42.17A.555.

Based on these findings, staff has determined that in this instance, the failure of Toppenish School District officials, John Cerna, Superintendent, to prohibit campaign signs from being placed on school district property, does not amount to a violation warranting further investigation.

However, pursuant to WAC 390-37-060(1)(d), John Cerna, Superintendent, Toppenish School District, will receive a formal written warning concerning his failure to prohibit and/or remove campaign signs supporting candidates for public office from being placed on school district property.

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 Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically Signed Philip E. Stutzman

Phil Stutzman
Compliance Officer

Endorsed by,

Electronically Signed Kim Bradford

Kim Bradford
Deputy Director
For Peter Frey Lavalley
Executive Director

cc: John Cerna, Superintendent, Toppenish School District
Clara Jimenez, Rosa Ortiz, and Autumn Torres