



**Patterson Buchanan  
Fobes & Leitch Inc. P.S.**

TOLL FREE 800.722.3815  
pattersonbuchanan.com

**SEATTLE**

1000 SECOND AVENUE, 30<sup>TH</sup> FLOOR  
SEATTLE, WA 98104  
P 206.462.6700 | F 206.462.6701

**PORTLAND**

1050 SW SIXTH AVENUE, #1100  
PORTLAND, OR 97204  
P 503.200.5400 | F 503.200.5401

**FOUNDERS**

Patricia K. Buchanan  
Duncan K. Fobes  
Charles P. E. Leitch

**PRINCIPALS**

Donald F. Austin  
Keith A. Talbot  
Angela N. Marshlain

Megan F. Starks  
Scott I. Jamieson  
Timothy H. Campbell

**ASSOCIATES**

Chris I. J. Fobes  
Lauren A. Johnston  
Callie A. Lee

Haley E. Moore  
Casey J. Schaub  
John T. Zilavy

Michael A. Patterson  
(1947-2018)

**OF COUNSEL**  
Adam G. Cuff  
Sara B. Sutton

February 22, 2022

**VIA EMAIL**

Washington State Public Disclosure Commission  
711 Capitol Way S #206  
PO Box 40908  
Olympia, WA 98504-0908

Re: *Northshore School District - PDC Complaint*  
PDC Case No. 102734

Dear Washington State Public Disclosure Commission (PDC):

On behalf of the Northshore School District (“District”), I write in response to the above-referenced complaint that was filed by the Complainant, Mr. Dmitry Grigorenko.

Mr. Grigorenko’s complaint involves the District’s use of Twitter. Specifically, Mr. Grigorenko states, in part, that the “Northshore School District (NSD) buys ads on Twitter to support bonds and levies and thus influence outcome for February elections.” He provides the PDC with the following example of one Tweet on the District’s Twitter account: [https://twitter.com/Northshore\\_SD/status/1478142682413211649](https://twitter.com/Northshore_SD/status/1478142682413211649). In the foregoing Tweet, dated January 3, 2022, the District’s Twitter post reads: “[r]enewing the levies would fund additional school staff and nurses and continue our important work increasing opportunities for all students.”

As will be discussed, the District complied with its obligations under Chapter 42.17A RCW. Additionally, the District’s conduct in the above-referenced Twitter post complies with the PDC’s *Guidelines for School Districts in Election Campaigns*.

**1. The District’s January 3, 2022 Twitter post is informational.**

Under RCW 42.17A.555, the District is prohibited from using school district facilities to engaging in promotion or opposition of any ballot proposition. School district facilities include, but are not limited to, school district publications. *See id.*

Here, the January 3, 2022 advertisement that is the subject of Mr. Grigorenko's complaint is informational. The advertisement serves to educate the community about the ballot measures. The advertisement does not engage in either promotion or opposition of any ballot measures.

**2. The District's January 3, 2022 Twitter post is an activity that is part of the District's normal and regular course of conduct.**

Under RCW 42.17A.555, there is an exception to the prohibition of using school district facilities for either promotion or opposition of ballot measures. This exception indicates that the prohibition does not apply to "[a]ctivities which are part of the normal and regular conduct of the office or agency." RCW 42.17A.555(3). The phrase "normal and regular conduct" (as the phrase is used in RCW 42.17A.555) is defined as conduct that is (1) lawful and (2) usual. *See WAC 390-05-273.*

Here, the District's conduct also falls within the exception to RCW 42.17A.555. Specifically, it is a common practice for the District to use paid advertisements to communicate with the community. For example, the District is currently running paid advertisements to recruit for open nutrition/food services positions. During the COVID-19 pandemic, online digital advertisements are a tool that the District has used to communicate to the whole community. These online digital advertisements have been a particularly useful tool during the COVID-19 pandemic, especially when in-person meetings were either prohibited or were held in a limited capacity. In the past, during 2017-2018, the District ran paid informational advertisements on social media related to ballot measures. These examples demonstrate that the District has used digital media advertising in the past and that digital media advertising is an ongoing and regular part of the District's community outreach efforts.

Please contact me with any questions or concerns.

Sincerely,

*/s/ Duncan K. Fobes*

Duncan K. Fobes

CJS/cjs