



**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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdca.wa.gov](http://www.pdca.wa.gov)**

April 1, 2022

Delivered electronically to Mercer Island School District at  
“[donna.colosky@mercerislandschools.org](mailto:donna.colosky@mercerislandschools.org)”

Subject: Complaint filed by Robert Tykulske, PDC Case 102804

Dear Superintendent Colosky:

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

As noted in the letter to Mr. Tykulske, 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.

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](mailto:pdcc@pdcc.wa.gov).

Sincerely,

*Electronically signed*

Jennifer Hansen  
Compliance Officer

Endorsed by,

*Electronically signed*

Kim Bradford  
Deputy Director  
For Peter Frey Lavalley  
Executive Director



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April 1, 2022

Delivered electronically to Robert Tykulska at "tyke4@hotmail.com"

Subject: Complaint regarding Mercer Island School District, PDC Case 102804

Dear Mr. Tykulska:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on January 12, 2022. The complaint alleged that Mercer Island School District (the District), a public school district serving King and Pierce Counties, may have violated RCW 42.17A.555 for using of public facilities to promote a ballot proposition in the February 8, 2022 special election.

PDC staff reviewed the allegations; the applicable statutes, rules; *PDC Interpretation No. 01-03*; and the response provided by Superintendent Donna Colosky on behalf of the Respondent, to determine whether the record supports a finding of one or more violations.

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

- Mercer Island School District Levies (Propositions 1 & 2) were placed on the February 8, 2022 special election ballot.
- The District created a set of facts describing the reasons for the levies and how the funds would be spent if the ballot propositions passed. This information was disseminated via mail and the District's website.
- The complaint included a copy of a mailer created and disseminated by the District and alleged that the Respondent engaged in this activity only because of the upcoming February 8, 2022 election in order to influence the outcome.
- *PDC Interpretation No. 01-03 Guidelines for School Districts* describes permissible activities of a publicly funded entity including the creation and dissemination of "objective and fair presentation of the facts" which means that in addition to presenting facts, any materials should present accurately the costs and other anticipated impacts of a ballot measure. The Interpretation also allows a school district to distribute these materials in accordance with the normal and regular conduct of the school district and allows general communication with the public encouraging them to vote, as long as such encouragement routinely occurs for other elections.
- In her response, Superintendent Colosky referenced *PDC Interpretation 01-03* and stated that the January 7, 2022 publication was done in a manner consistent with the interpretation and provided a high-level overview of the levies, the use of levy funds if the propositions passed, and the history of previous levy fund use.
- Regarding the general voting information included in the mailer, Superintendent Colosky again referenced *PDC Interpretation 01-03*, stating that the mailer provides information about the upcoming election but does not encourage the reader to vote one way or another. In addition, Superintendent Colosky included an example of a similar message

reminding the public to vote during a past election when the District did not have a position on the ballot.

No evidence was found that the District included language in the mailer that was advocating for or otherwise intended to influence the outcome of the February 8, 2022 ballot propositions.

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](mailto:pdcc@pdcc.wa.gov).

Sincerely,

*Electronically signed*

Jennifer Hansen  
Compliance Officer

Endorsed by,

*Electronically signed*

Kim Bradford  
Deputy Director  
For Peter Frey Lavalley  
Executive Director

cc: Mercer Island School District