



**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 23, 2019

Delivered electronically to "jdoremus@nwseaportalliance.com"

Subject: Complaint filed by Arthur West, PDC Case 30159

Dear Port of Tacoma:

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

As noted in the letter to Arthur West, 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 Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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December 23, 2019

Delivered electronically to "awestaa@gmail.com"

Subject: Complaint regarding Port of Tacoma (2), PDC Case 30159

Dear Arthur West:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on November 16, 2017. The complaint alleged that the Port of Tacoma, a public agency, may have violated RCW 42.17A.255 for failure to report independent expenditures in opposition to Tacoma Initiatives 5 and 6 in 2016; and RCW 42.17A.555 for misuse of public facilities to oppose Tacoma Initiatives 5 and 6 in 2016.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; and the Court of Appeals Division II opinion in case 49892-8-II, to determine whether the record supports a finding of one or more violations.

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

- On December 19, 2016, you filed a Citizen Action Notice against the Port of Tacoma, alleging misuse of public facilities in opposition to Tacoma Initiatives 5 and 6 in 2016, which the Attorney General's Office (AGO) responded to by filing a lawsuit concerning the Port of Tacoma and other defendants in Pierce County Superior Court case 16-2-10303-6.
- On November 16, 2017, you filed this complaint as a Citizen Action Notice alleging that the Port of Tacoma violated RCW 42.17A.255 and RCW 42.17A.555, providing records and documents to support your allegations.
- On June 7, 2018, the AGO notified you that they had completed their review of this second Citizen Action Notice and determined that the matter should be left to the discretion of the PDC.
- On May 21, 2019, the Washington State Court of Appeals, Division II issued a published opinion in case 49892-8-II, holding that RCW 42.17A.255 required disclosure of independent expenditures in opposition to Tacoma Initiatives 5 and 6 made by the Port of Tacoma and other defendants, and that the Port of Tacoma failed to show that its use of public facilities fell within exceptions to RCW 42.17A.555; the Court reversed the trial court's decision and remanded for further proceedings.
- The allegations contained in the complaint underlying PDC Case 31059 are substantially similar to those in Pierce County Superior Court case 16-2-10303-6 on remand from the Washington State Court of Appeals, Division II.

Based on our findings staff has determined that the Superior Court now has primary jurisdiction over the substance of this complaint, and the PDC will defer to its judgment in bringing the issues to resolution.

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 Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: Port of Tacoma