



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

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**Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

January 7, 2020

Delivered electronically to “dave.bond@ksd.org”, “slehrman@psd1.org”, and  
“rick.schulte@rsd.edu”

Subject: Complaint filed by Roger Lenk, PDC Case 29929

Dear Kennewick, Pasco, and Richland School District Officials:

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

As noted in the letter to Roger Lenk, 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.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning Scott Lehrman’s failure to provide members of the public with an approximately equal opportunity for the expression of opposing views when voting on ballot propositions at open public meetings. Staff expects that Scott Lehrman will afford members of the public equal opportunity to express their views, in support or opposition, prior to voting to take action in the future. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

PDC staff hereby reminds you about the importance of providing fair and objective presentations of facts relative to ballot propositions. PDC staff expects that you will present facts relative to ballot propositions in a neutral and fair manner in the future.

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

Sincerely,

/s

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Fox Blackhorn  
Compliance Coordinator 2

Endorsed by,

/s

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Peter Lavalley  
Executive Director



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January 7, 2020

Delivered electronically to "lenk.roger@gmail.com"

Subject: Complaint regarding Kennewick, Pasco, and Richland School District Officials,  
PDC Case 29929

Dear Roger Lenk:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on January 19, 2018. The complaint alleged that Kennewick, Pasco, and Richland School District officials (Respondents), public employees, may have violated RCW 42.17A.555 for misuse of public funds, time, equipment, and resources to support a campaign for the "Tri-Cities School Levy" ballot propositions placed on the February 13, 2018 Special Election Ballot in each of the three jurisdictions.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the responses provided by the Respondent; and PDC Interpretation 01-03, *Guidelines for School Districts in Election Campaigns*, to determine whether the record supports a finding of one or more violations.

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

- The Respondents placed educational programs and operations levies, and technology levies, on the ballots in their respective locations for the Special Election of February 13, 2018.
- From October through December of 2017, the Respondents worked with a third-party vendor, Focalpoint Marketing and Multimedia, to create a video explaining changes to the state of education funding in Washington State, and structural changes for how levies would work for local school districts, encouraging taxpayers to look forward to additional information from the school districts about upcoming levy propositions.
- The complaint alleged that emails between Public Relations Director Robyn Chastain of the Kennewick School District concerning edits to language in the video did not run afoul of RCW 42.17A.555, with Director Chastain explicitly stating that the messaging needed to stay informational and not cross the line into persuasion.
- This video was then placed on a website located at "<https://waschoollevy.org/>" which was registered by the Kennewick School District on October 17, 2017, providing information about legislative changes affecting educational funding, and the new limitations on levies, with notices that the Respondents would be running Educational Programs and Technology levies for the Special Election of February 13, 2018.
- In November and December of 2017, the Respondents properly noticed discussions concerning the ballot propositions during open public meetings, and passed resolutions

placing these ballot propositions on the ballots for their respective jurisdictions for the Special Election of February 13, 2018.

- On November 14, 2017, during the properly noticed discussion at the Pasco School District Study Session for 2018 Levy Planning Follow-Up, School Board President Scott Lehrman expressed that members of the committee in support of Pasco School District's previous bond proposition which passed in the General Election of November 7, 2017, had voiced concerns about running a ballot proposition in February due to the chance of snow which might impede canvassing activities.
- President Lehrman then called upon a member of the audience who had served with the committee supporting the Pasco School District's previous ballot proposition, stating, "being volunteers, would it be harder on a campaign for you in February, or April, or do you have a preference either way?"
- No other member of the audience was granted an opportunity to speak to the timing of the election, nor to offer any opposing viewpoints, as contemplated by RCW 42.17A.555(1).
- The website contained images which appeared to support the merits of the propositions, including an unlabeled line chart showing a peak and decline, but did not contain an objective and fair presentation of the facts related to these images, such as dollar figures or percentages of increase or decrease.
- The website also contained a set of Frequently Asked Questions which provided information and used a tenor and tone that appeared to be in support of the individual ballot propositions, such as the statement indicating, "[u]nless the value of your property dramatically increases, you should see a sharp drop to your local property taxes."
- The responses to the allegations indicate that this website was designed for the purpose of generally providing information on changes to district levy authority, and that the information on the website was published prior to each proposition being placed on the ballot, but did not deny that the information stayed public throughout the course of the election campaigns.
- The complaint alleged that a reciprocal Gold Card system offering benefits to seniors at the Respondents' facilities and events supported the ballot propositions, however no evidence suggests that this program would misuse public facilities to support or oppose any election campaign.
- President Lehrman of the Pasco School District did express at the December 12, 2017, Pasco School District regular board meeting, that the Gold Card had an added benefit of being, "good for bonds and levies, as it's harder to vote against kids and teachers that you know;" however, this did not support or oppose any ballot propositions, nor did it cause the Gold Card program to run afoul of RCW 42.17A.555.
- The complaint alleged that the Pasco and Richland School Districts conducted a survey that may have violated RCW 42.17A.555, but the districts deny that any survey occurred, and no evidence was provided in support of these allegations.

Based on our findings staff has determined that, in this instance, presenting favorable facts about ballot propositions and failing to afford equal opportunity for opposing viewpoints do not amount to violations that warrants further investigation.

However, PDC staff is reminding Kennewick, Pasco, and Richland School District Officials about the importance of providing fair and objective presentations of facts relative to ballot propositions. PDC staff expects that Kennewick, Pasco, and Richland School District Officials will present facts relative to ballot propositions in a neutral and fair manner in the future.

Furthermore, pursuant to WAC 390-37-060(1)(d), Scott Lehrman will receive a formal written warning concerning failure to provide members of the public with an approximately equal opportunity for the expression of opposing views when voting on ballot propositions at open public meetings. The formal written warning will include staff's expectation that Scott Lehrman will afford members of the public equal opportunity to express their views, whether in support or opposition, prior to voting to take action in the future. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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

Sincerely,

/s

\_\_\_\_\_  
Fox Blackhorn  
Compliance Coordinator 2

Endorsed by,

/s

\_\_\_\_\_  
Peter Lavalley  
Executive Director

cc: Kennewick, Pasco, and Richland School District Officials