



**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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

December 9, 2019

Delivered electronically to "belfo@co.whatcom.wa.us"

Subject: Complaint filed by Sandy Robson, PDC Case 28874

Dear Bill Elfo:

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

PDC staff is reminding you about the importance of clearly identifying political statements made in a personal capacity, separate from official positions of the agency. PDC staff expects that you will clearly state when statements do not reflect the official position of the Whatcom County Sheriff's Office when using the title of Sheriff in the future.

As noted in the letter to Sandy Robson, 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 pdc@pdc.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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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

December 9, 2019

Delivered electronically to "sjrer2@icloud.com"

Subject: Complaint regarding Bill Elfo, PDC Case 28874

Dear Sandy Robson:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on December 12, 2017. The complaint alleged that Bill Elfo (Respondent), Whatcom County Sheriff, may have violated RCW 42.17A.555 for authorizing the use of public facilities to support Whatcom County Proposition 2017-6, concerning Public Safety and Jail Facilities Sales and Use Tax.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; and the responses provided by the Respondent, to determine whether the record supports a finding of one or more violations.

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

- On October 20, 2017, the political committee One Safe Jail, affiliated with the Whatcom County Corrections Deputies Association, sent a mailer in support of Proposition 2017-6, which had a photo of the Respondent not in uniform, with a quote from the Respondent, and the words "One Safe Jail" directly above "Sheriff Bill Elfo."
- The complaint alleged that the Respondent may have violated RCW 42.17A.555 for allowing the use of the photograph, quotes, and title of Sheriff to be printed on the mailer issued by One Safe Jail.
- The response to the allegation states that the photograph used was the Respondent's Facebook profile photo, and the quote was drawn from an article in the Bellingham Herald published on June 14, 2015, and later re-printed in the Lynden Tribute and Ferndale Record thereafter.
- PDC Interpretation 04-02, *Guidelines for Local Government Agencies in Election Campaigns*, has a section concerning local government election officials, which addresses the use of official titles stating, "[a]n elected official may use his or her title, but should clarify that he/she is speaking on his/her own behalf, and not on behalf of the agency."
- The Respondent acknowledged authorizing One Safe Jail to use the photograph and quotes found in the public domain for the purpose of designing this mailer; however, made no efforts to clarify that the use of the title of Sheriff did not represent the Whatcom County Sheriff's Office itself.

Based on our findings staff has determined that, in this instance, failure to clarify that the use of an official title does not constitute an official position of the agency, does not amount to a violation that warrants further investigation.

PDC staff is reminding Bill Elfo about the importance of clearly identifying political statements made in a personal capacity, separate from official positions of the agency. PDC staff expects that Bill Elfo will clearly state when statements do not reflect the official position of the Whatcom County Sheriff's Office when using the title of Sheriff in the future.

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 Lavalley
Executive Director

cc: Bill Elfo