



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

July 18, 2019

Sent electronically to paul.winterstein@outlook.com

Subject: Complaints filed by Jane M. Searing, PDC Case 26878

Dear: Paul Winterstein:

Enclosed is a copy of an electronic letter sent to Jane M. Searing concerning a complaint filed with the Public Disclosure Commission (PDC) alleging Paul Winterstein violated RCW 42.17A.555 for a prohibited use of public facilities to assist a political campaign; RCW 42.17A.235 by failing to timely report contributions and expenditures and RCW 42.17A.405 for accepting over-limit contributions.

As noted in the letter to Jane M. Searing, 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 Alice Fiman at (360) 586-4746, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s_____

Alice Fiman
Compliance Officer

/s_____

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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July 18, 2019

Sent Electronically to “janesearing@gmail.com”

Subject: Compliant regarding Paul Winterstein, PDC Case 26878

Dear Jane M. Searing:

The Public Disclosure Commission (PDC) has completed its review of the complaints you filed October 14, 2017.

Your complaints alleged Paul Winterstein violated RCW 42.17A.555 for a prohibited use of public facilities to assist a political campaign; RCW 42.17A.235 by failing to timely report contributions and expenditures and RCW 42.17A.405 for accepting over-limit contributions.

The allegations involve Paul Winterstein’s participation in a Greater Issaquah Chamber of Commerce event, the Salmon Days Festival in Issaquah.

PDC staff reviewed the complaint, the statute, rules, and PDC Interpretation 04-02 Guidelines for Local Governmental Agencies in Election Campaigns, and the response from Paul Winterstein. Based on staff’s review, we found the following:

- Paul Winterstein was elected to the Issaquah City Council in 2011 and reelected in 2015. He currently holds this position. He was not elected to the position of City of Issaquah Mayor in November 2017.
- RCW 42.17A.555 prohibits elected officials or any employee of his or her office or any person appointed to or employed by any public office or agency from using or authorizing the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.
- RCW 42.17A.555 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.
- Based on information provided in the complaint you filed, Paul Winterstein participated in a Greater Issaquah Chamber of Commerce event, the Salmon Days Festival in Issaquah, an event located on City of Issaquah property.

- In his response, Paul Winterstein stated “The Salmon Days Beer Garden and City of Issaquah property referenced in the complaint was authorized for public use by the City to the Chamber for the Chamber’s own event and fundraising purposes. The Chamber recruited from its membership, of which I am one, to provide volunteer services. Please see the email below from Kathy McCorry, Executive Director of the Chamber. It includes a copy of the volunteer recruitment for the event to its membership which made no mention of my campaign. Please see also in the email below information about another Chamber-sponsored event on public property (the City of Issaquah’s Memorial Field) that candidates can share and display information about their campaigns.” The response also stated, “As a member, I was allowed the opportunity to volunteer at their Salmon Days event and to wear buttons and present signage about my campaign at this public event.”
- Paul Winterstein also stated in his response “The band, the venue and operational expenses were commissioned for the Chamber’s event and were solely for their benefit” and “The allegation that this was a contribution is inaccurate and as a result there is not a violation of the contribution limit.”
- Paul Winterstein provided an e-mail from Kathy McCorry, Executive Director of the Chamber, which stated “All of the information is correct. We had member and non-member opportunities. Everyone that inquires is given every opportunity to support Salmon Days, based on what is available, for that particular request. Member vs. non-member, for profit vs. non for profit, vendor vs. sponsor, etc. There are many factors that are taken into account for every inquiry. In addition, the beer garden volunteer opportunity wasn’t made available until the beginning of Sept. due to us creating this new program. The reason for the late change is that we had just learned volunteers could pour beer in our beer garden.”

Based on these findings staff has determined that, in this instance, no evidence supports a finding of an actual violation warranting further investigation for the alleged use of public facilities to assist Paul Winterstein’s campaign, the alleged failure to timely report contributions and expenditures, and the alleged acceptance of over-limit contributions.

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 Alice Fiman at 1-360-586-4746 or toll-free at 1-877-601-2828, or by e-mail pdcc@pdcc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director