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February 4, 2025

VIA EMAIL

Washington State Public Disclosure Commission
711 Capitol Way S #206
PO Box 40908
Olympia, WA 98504-0908

Re: *PDC Complaint*
PDC Case No. 163458

Dear Washington State Public Disclosure Commission:

On behalf of the Northshore School District ("District"), I write in response to the above-referenced complaint that was filed by the Complainant, Mr. Bob Brown, Jr.

Mr. Brown Jr.'s complaint relates to the Initiative-2109 ("I-2109") Capital Gains Initiative Town Hall meeting that occurred at the District's North Creek High School on October 15, 2024. In his Complaint, Mr. Brown Jr. alleges that the District and the District's School Board violated RCW 42.17A.555. Specifically, Mr. Brown Jr. alleges that the Board violated RCW 42.17A.555's prohibition against utilizing District facilities to support or oppose a ballot measure. He claims "[t]he school board utilized the use of district facilities, a clear violation." Additionally, Mr. Brown Jr. alleges that the District/Board violated RCW 42.17A.555 because "the school district/board did NOT distribute an objective and fair presentation of the facts for the I2109 ballot measure but provided only one side - the NO on I2109 Capital Gains Initiative."

As will be discussed, the District complied with its obligations under Washington State law, including Chapter 42.17A RCW. Additionally, the District and Board's actions complied with the PDC's *Guidelines for School Districts in Election Campaigns* (PDC Interpretation No. 01-03).

RELEVANT BACKGROUND INFORMATION

In the fall of 2024, Representative Davina Duerr, a member of the Washington State House of Representatives First Legislative District, reached out to District School Board President, Ms. Amy Cast. Representative Duerr was looking for available space to hold a community town hall meeting to discuss I-2109. The District understood that it was to be an informational meeting on the ballot measure, where members of the community could attend and ask questions from Representative Duerr and her fellow presenters. As it is the normal and regular practice of the District to provide available facilities for town hall and other similar community meetings, the District reserved the Commons space at North Creek High School on October 15, 2024, for the meeting.

Approximately two dozen community members attended the meeting, including community members in favor of, and in opposition to, I-2109. President Cast and fellow Board members, Ms. Sandy Hayes and Ms. Jacqueline McGourty, also attended the meeting. The three Board members sat in the back of the room and did not participate in the presentation of the information. Notably, neither the District nor the Board were involved in creating, developing, or preparing the materials shared during the meeting.

At one point during the town hall, a community member stood up, pointed to the Board members, and asked if the Board endorsed the “no” campaign of the initiative. President Cast said, “no,” and informed the community member that the Board did not endorse the ballot measure one way or the other. President Cast further informed the community members that the Board was there only to answer questions, if any, related to the District and school funding.

To the District’s knowledge, non-District individuals brought signs to the town hall. There were signs opposing I-2109 as well as community members carrying signs in favor of I-2109. The District did not make the signs, nor were District facilities used to make the signs. Moreover, the District did not direct any staff member to place or carry the signs at any location. To the District’s knowledge, all signs (for and against I-2109) were removed from District property at the end of the town hall.

1. The District’s Conduct Did Not Violate RCW 42.17A.555

Under RCW 42.17A.555, the District is prohibited from using or authorizing the use of school district facilities to engage in promoting or opposing any ballot proposition. The District’s facilities include, but are not limited to, stationery, postage, machines, equipment, use of District employees during working hours, office space, and publications. *See* RCW 42.17A.555.

However, the prohibition against using school district facilities for the promotion or opposition of ballot measures does not apply to “[a]ctivities which are part of the normal and regular conduct of the office or agency.” RCW 42.17A.555(3). The phrase “normal and regular

conduct” (as the phrase is used in RCW 42.17A.555) is defined as conduct that is (1) lawful and (2) usual. *See* WAC 390-05-273.

Here, the District’s conduct falls within the exception to RCW 42.17A.555 for normal and regular course of conduct.

First, the District’s conduct was lawful. Indeed, Washington State law provides that school boards have the authority to permit school facilities to be used for political purposes. *See* RCW 28A.320.510(2). The Washington State Attorney General’s Office confirmed the same in a 1973 Advisory Opinion. *See* AGO 1973 No. 26 ([INITIATIVE NO. 276 -- SCHOOL DISTRICTS -- USE OF SCHOOL FACILITIES FOR PRESENTATION OF PROGRAMS -- LEGISLATURE -- ELECTIONS | Washington State](#)) (interpreting RCW 42.17.130, recodified as RCW 42.17A.555; also discusses former RCW 28A.58.105, recodified as RCW 28A.320.510).

Second, the District’s conduct was usual. Notably, the District has a history of making its facilities available to community members and organizations, including for civic purposes. For example:

- The District reserved facilities for Congresswoman Suzan DelBene on January 24, 2014;
- The District reserved facilities for Congresswoman Suzan DelBene on May 10, 2017;
- The District reserved facilities for Congresswoman Suzan DelBene on September 18, 2018;
- Representative Brandy Donaghy visited the District with a tour of Inglemoor High School on January 9, 2025.

Additionally, the District has a history of attending town hall meetings and/or providing space for town hall meetings, including for legislative purposes. For example, the Board’s online records reflect the following town hall special meetings:

- In February 2018, the Board attended town hall meetings for the 1st Legislative District (at Cascadia Community College) and the 45 Legislative District (at Lake Washington Technical Institute);
- In December 2022, the Board attended two town hall meetings regarding the search for a Superintendent;

- In January 2023, the Board attended a town meeting regarding the search for a Superintendent (at Northshore Middle School Library);
- In March 2023, the Board attended a town meeting for the 1st Legislative District (at Cascadia College);
- In August 2024, the Board attended a town meeting regarding I-2117 (at Kenmore Community Club);
- On October 15, 2024, the Board attended a town hall meeting regarding I-2109; and
- On October 23, 2024, the Board attended a town hall meeting regarding Education Funding Crisis (at Edmonds-Woodway High School).

It is important to note that the October 15th meeting was not the first time that the Board attended a town hall meeting regarding an initiative. As reflected above, in August 2024, the Board attended a town hall meeting on I-2117.

Accordingly, allowing a political group to host a town hall meeting is part of the normal and regular conduct of the District.

2. RCW 42.17A.555 Does Not Prohibit Political Facility Use, Provided Facilities are Available in a Non-Discriminatory, Equal Access Manner

Pursuant to Washington Administrative Code 390-05-271, “RCW 42.17A.555 does not prevent a public office or agency from [] making facilities available on a nondiscriminatory, equal access basis for political uses . . .” WAC 390-05-271(2).

Here, the District’s school facilities are made available for community use in a non-discriminatory manner. The District does not discriminate based on political affiliation or based on any protected status when assessing whether its facilities are available for community use. Moreover, any outside group has equal access to reserve school facilities so long as such use is not in conflict with school operation.

Specific to the meeting on October 15, 2024, the District’s facilities were utilized in the evening by an outside entity to hold a town hall meeting on I-2109. Again, neither the District nor the Board were involved in the development or presentation of materials. At the meeting, there were community members present that represented both sides of the ballot measure, either promoting or opposing it. The presenters provided for a period of time in which they took questions from the community members and provided answers to the questions. The Board Members were present to answer questions (if any) related to the District, but did not participate

in the presentation of materials, nor did they express an opinion (either for or against) on the ballot measure.

Therefore, for the reasons discussed above, the District denies that it violated RCW 42.17A.555. Please do not hesitate to contact me if you have any questions or if I can be of any further assistance to your investigation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim / Campbell', with a long horizontal flourish extending to the right.

Timothy H. Campbell
Casey J. Schaub

THC/CJS/fpl