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August 25, 2026

TO: The Honorable PDC Commissioners
Via: PDC@pdc.wa.gov re: Public Comment

Dear Commissioners:

I am seeking permission to reopen a complaint which was not fully addressed by the PDC staff and dismissed, contrary to law.

Attached is the original complaint which addresses two primary violations: 1) Jefferson County distributed flyers in favor of a property tax levy increase which violates PDC guidelines; and 2) the Jefferson County PUD mailed 12,000 of these flyers with PUD bills at the urging of County officials, as well as a PUD Commissioner who was also the Chair of the Committee to promote passage of the property tax levy.

The PDC briefly addressed the contents of the County's flyer and made one correction, but never addressed the improper mailing of the **uncorrected** flyer to 12,000 PUD customers. The attached memos outline the legal objections.

Please review our objections and let me know if we should refile the complaint with respect to the improper mailing so the issue can be addressed by the PDC. Otherwise, there is no incentive for government officials to comply with PDC laws if violations are dismissed without comment.

Thank you for your consideration.

Very truly yours,
s/Rosemary Schurman
Rosemary Schurman, Attorney at Law

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July 17, 2026

Sean Flynn, Attorney via Sean.Flynn@pdc.wa.gov
Colin Peeples, Compliance Officer via pdc@pdc.wa.gov
Kim Bradford, Deputy Director via Kim.Bradford@pdc.wa.gov
Copy to jdpeters@co.jefferson.wa.us, jrandall@jeffpud.org, jwilson@jeffpud.org

RE: PDC Case 192564- MOTION FOR RECONSIDERATION

Dear Mr. Flynn, Ms. Bradford and Mr. Peeples:

Thank you for a copy of your ruling dated July 15, 2026, which appears to resolve the entire complaint initially reported and then expanded upon in my legal memo of July 13, 2026. Unfortunately, the ruling is woefully inadequate and violates PDC guidelines and WA State law. The ruling only addresses a single sentence in the County's flyer (aka "fact sheet) which was "minor" and "cured" so the "violation has occurred, but does not amount to a violation that warrants further investigation."

The following violations were described in my 7.13.26 memo and ignored by the PDC:

1. **The flyer is not "objective and fair"** as it focuses only upon the benefits of passage. The fact sheet does not explain what will occur if Proposition #1 is defeated. Hence "fear mongering" is encouraged. It also contains "gratuitous photos that tend to provoke an emotional response." Both of these items undermine the validity of the flyer per the January 12, 2015 directive from the Acting Assistant PDC Director. Neither of these objections were addressed by the ruling and there is no de minimus exception to the PDC rules.

2. **The improper mailing was not addressed**. Although the County may have omitted one sentence from the flyer that the PDC found objectionable, that action does not address the *thousands*[1] of defective flyers previously distributed by the Jefferson County Public Utilities District. Multiple citizens have commented that this mailing is best characterized as "good ole boy cronyism."

3. **Jeff PUD is not authorized to distribute political materials about Parks and Rec.** There is no statutory authority which establishes that the PUD can distribute election

[1] The PUD has approximately 20,000 customers.

material about Parks and Rec. Therefore, the mailing cannot be dismissed as "normal and regular conduct."

4. **Commissioner Randall and Administrator Peters promoted the legal violation.** The emails and statements documented in the 7.13.26 memo establish that both Randall and Peters took the position that the PUD has previously included County flyers about "recycling" in PUD mailings, and that therefore the political election flyer was properly included in the mailing to thousands of PUD customers along with their monthly bills for water and/or electricity. Since there are no laws authorizing the PUD to distribute a political election flyer about Parks and Rec, it cannot be "normal and regular conduct." These persons of authority should have known better and ignorance of the law is no excuse. In their zeal to promote the passage of Proposition #1, common sense and legal restrictions were ignored. Furthermore, Randall's conflict of interest consists of his elected position as a Commissioner of the PUD and co-chair of the "All In" committee to promote Proposition #1. Notably, the PDC did not address these facts with respect to either Randall or Peters. Why not?

The PDC's July 15, 2026 ruling on Case No. 192564 should be withdrawn and a proper investigation launched. The conclusion that "further proceedings would not serve the purpose of this chapter" is completely negated by the foregoing facts. The interests of justice, as well as the purpose of the PDC in promoting public confidence in elections, mandates a reversal with an investigation.

Respectfully submitted,
s/Rosemary Schurman
Rosemary Schurman, Attorney at Law

cc: Hdudley-nollette@co.jefferson.wa.us; shellieyarnell@gmail.com , mkruml@ptleader, editor@ptleader.com, brian mclean@peninsuladailynews.com

TO: PDC Compliance Officer Colin Peeples & PDC Attorney Sean Flynn

FM: Rosemary Schurman, Attorney at Law

RE: Jefferson County Levy Lift "fact sheet" and Improper PUD mailing

DT: July 13, 2026'

Dear Mr. Peeples and Mr. Flynn:

Please accept this memo in response to the Jefferson County Administrator's email of July 6, 2026 which contains his version of the events which allegedly violated PDC mandates. Please also address my initial complaint, as modified by this memo about alleged violations by Jefferson County, Jefferson County PUD and Commissioner Randall.

BACKGROUND INFORMATION

RCW 29B.45.010 "Use of public office or agency facilities in campaigns—Prohibition—Exceptions" (Effective January 1, 2026; formerly RCW 42.17.130, RCW 42.17A.555) provides in part:

> No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize 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. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities: ....(3) **Activities which are part of the normal and regular conduct of the office or agency;...** (Emphasis added). Fn. #1.

RCW 29B.05.010 "Declaration of Policy," states in part:

> The provisions of this title shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected.

Courts have similarly found that PDC statutes exist to "ensure public resources are not used to provide advantages or disadvantages" to ballot measures. Herbert v. Public Disclosure Commission, 136 Wn. App. 249, 264, 148 P.3d 1102 (2006). The provisions must be "liberally construed" to protect the public and a party claiming an exception has the burden of proving it

meets the exception. State v. Econ.Dev.Bd. for Tacoma-Pierce Cty., 9 Wn. App 2d 1, 441 P.3d 1269 (2019).

WAC 390-05-271(2)(b) specifies that RCW 29B.45.010 does not prevent a public office or agency from "making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency." WAC 390-05-273 defines "normal and regular conduct" as meaning conduct which is lawful and "usual, i.e., not effected or authorized in or by some extraordinary means or manner."

PDC Interpretation No. 04-02, "Guidelines for Local Government Agencies in Election Campaigns" provides that :

> **Note on Timing of Activities:** A particular activity may be subject to the scrutiny of the Public Disclosure Commission depending in part on whether it is a part of the "normal and ordinary" conduct of a local government agency. Generally, activities that occur after the elected legislative body has passed a resolution authorizing a measure to be placed on the ballot will be subject to greater scrutiny by the Public Disclosure Commission than those occurring before such a resolution has been passed. Guidelines p. 23/27.

In this case, the Jefferson County Commissioners passed Resolution No. 23-0427-26R entitled "In the Matter of adoption of a Resolution to Approve a Levy Lid Lift" on April 27, 2026 which approves a ballot issue to increase the property tax paid by Jefferson County residents beginning in 2027 by .021 cents per $1,000 of assessed valuation to pay for county owned park facilities, recreation programs, and community center facilities. It should be noted that the wording of the Resolution is unclear about whether funds from this levy can be diverted to non-parks and rec budget items. The following time line outlines a series of events which occurred:

4/30/2026 Email from Chelsie Kilmer, Admin Clerk III, Jefferson County Public Works to Jameson Hawn, Jefferson County PUD Community Outreach Coordinator. Kilmer stated she was "hoping to get information on how much and what lead time is required for PUD bill inserts. *We are beginning to strategize our outreach* for the Parks and Rec Levy Lid Lift…." (Emphasis added).

5/4/2026 Hawn replied that a pdf would be needed by May 15th for an insert in the June mailing. "Our printer can do full 8.5" x 11" color single-sided or two-sided or something smaller like a rack card size as well."

5/11/2026 Kilmer emailed Hawn to advise that they are "on track to submit a double-sided color flyer…We're completing the back page this week."

5/13/2026 Kilmer sent a pdf attachment consistent with the published, double sided, color hand out, to Hawn entitled "Jeff Co Parks and Rec Levy Lid Lift Fact Sheet." "We got 'er done quicker than expected. They wanted to hand it out at a meeting last

night, so we went into top gear to get it done!…we'd like the color, two sided insert for June."
Note that on 5/12/2026 a meeting of Jeff Co Democrats occurred and a Jefferson County Commissioner handed out copies of the brochure to approximately 30 people. An affidavit from a participant can be submitted if needed.

6/4/2026 Jeff Randall sent an email to Joe Wilson, General Manager of Jeff Co PUD, about the "County info sheet on levy." It stated: "Has Josh Peters [Jeff Co. Administrator] asked you about having the PUD include in one of our mail out billing cycles the fact sheet the County has produced for the parks and rec levy which will be on the August 4 ballot?" *Randall is a PUD Commissioner and one of the chairs of "All In for Jeff Co Parks and Rec," the group supporting the Levy.* He was appointed to that position by the Jefferson County Commissioners and/or County Administrator Peters. PDC filings also indicate that Randall is the Treasurer for "All In…"

6/4/2026 Wilson responded to Randall: "Josh recently reached out to chat. We are scheduled to meet tomorrow. It would seem odd to be including non-PUD materials in PUD billing inserts. I'm learning we do stuff different up here, *but political advocacy in billing insert seems risky."* (Emphasis added).

6/5/2026 Randall emailed Wilson as follows: "Nope not at all. We've done it before with county info sheets on recycling and other matters. For me its about helping our public partners and helping our customers be informed in ways that don't cost us much if anything. We have reach that the county doesn't. Please consider it. If you want to bring it to the commissioners at our next meeting I'd support it. I suspect Ken would too. It's a non partisan info sheet. Time is short though as ballots go out to voters 7/15."

6/2026 Citizens began reporting on social media that the PUD bill they received included a copy of the County's "fact sheet" about the levy.

7/1/2026 A Peninsula Daily News article quoted Joe Wilson as stating that his employee "didn't discern that it was relevant to voting, which is different from other topics that have been included before." "It was a mistake, and we're going to have to do some process improvement to ensure it doesn't repeat. We'll use it as a learning opportunity." Wilson also indicated that the cost of the levy flyers will be billed to the Parks Department.

7/6/2026 Josh Peters, County Administrator, emailed Colin Peeples at the PDC, thanking him for a July 2nd phone call. "I appreciate the opportunity to review the …fact sheet and take immediate corrective action pursuant to PDC direction." The following sentence was removed from the fact sheet as it could be perceived as

advocacy for a ballot measure: "*These programs and facilities enrich quality of life and provide safe, welcoming spaces and activities for youth, adults, seniors and families.*"

Peters explained that he thought the language removed was "axiomatic" based upon a State of Washington publication which included the phrase "Everyone Deserves Access to Parks." *The brochure referenced did not pertain to a political election, but rather a post about grant applications for developing community parks.*

Peters also stated: "I appreciate the fact that you indicated during our phone call that the fact sheet was the issue at hand, not how the information was published and distributed. Jefferson County inquired with the…PUD about the prospect of including our fact sheet within their invoice mailer which is a typical request the county has made with the PUD before when we've wanted to get information, such as updates about the recycling program, to our constituents. The PUD simply acted on our request and was not responsible for reviewing or approving the information on the county's fact sheet."

July 8, 2026 Port Townsend Leader article: "Case opened over PUD's alleged parks and rec tax promotion": Commissioner Randall repeated his claim that the mailing was lawful without references to the statutes. Jameson Hawn stated that "By and large, inserts are kind of few and far between, with only three or four being included in 2025 and 2026 total." Hawn mentioned that inserts included a hazardous waste collection event and a solid waste facility update. Wilson is also quoted in the article as saying the PUD "should not be party to any political initiatives that are not directly related to our mission" and that the PUD has learned from this experience.

LEGAL ISSUES

There are multiple legal issues with both the "fact sheet" and the distribution by the PUD. First, the deletion of the objectionable sentence occurred after the mailing of thousands of the defective flyers to voters. It does not cure the problem or promote the goals of the PDC statutes. In other words, a later edit cannot retract material already delivered. Additionally, the County's decision to delete the "quality of life" sentence "as it could be perceived as advocacy," constitutes an admission that the version mailed was promotional and not simply informational.

Nor is it relevant that the PDC has thus far only identified one objectionable sentence. It is well established that the PDC statutes do not contain a "de minimus use exception" and the party claiming the exception under RCW 29B.45.010 (formerly RCW 42.17A.555) bears the burden of proving it meets an exception. In fact, a "de minimus use exception" was part of a prior PDC statute that was repealed in 1978. *See* *Herbert v. Pub. Disclosure Comm'n*, **136 Wn. App. 249, 256**, 148 P.3d 1102 (2006). In Herbert, supra, public school teachers used

school email and internal mailboxes to advocate for a ballot initiative. They argued that because email was a normal part of school business, their conduct was permissible. The Court rejected the de minimus use argument and held that "Normal and regular conduct" means conduct specifically authorized by law , not simply something the agency routinely does.

In this case, the question is not whether the PUD's mailing of bills every month is normal. The legal question is whether distributing political campaign literature with those mailings is part of the PUD's legally authorized normal governmental function? Neither the PUD nor the County has cited to any supporting statutory authority. Nor does any exist which gives the PUD any authority over the County Parks and Rec issues.

Since there is no evidence that the "fact sheet" was either usual or specifically authorized, it was not within the "normal and regular conduct" exception to RCW 29B.45.010 when it included the fact sheet in its monthly PUD mailer. Nor do the claims of Peters and Randall that the "recycling inserts" in prior PUD bill mailings are sufficient to justify the political mailing about a property tax increase for parks.

Furthermore the "fact sheet" is not an objective document as it focuses only on the benefits of passage of the levy. 50% of the pictures contained on the second page of the color brochure are of young smiling children. The inference is that if you reject the levy, you are voting against young children. The January 12, 2015 "Election-Related Communications by Local Government Agencies" from Tony Perkins, Acting Assistant PDC Director, provides that an ""objective presentation of the facts" must **avoid** the following:"

> Overtly promotional or oppositional content (including inflammatory or emotionally-driven language; ...*gratuitous photos that tend to provoke an emotional reaction*—e.g. an image of a body..." (Emphasis added).

The "fact sheet" is also defective based upon the directions of the January 12, 2015 PDC document from the Acting Assistant Director because an "objective and fair presentation of the facts" about a property tax levy includes the levy cost to the average homeowner and "should also explain, in neutral, factual terms, the outcome anticipated if the proposition is rejected by voters." No where does the "fact sheet" state that if the levy fails, the parks and rec centers will continue based upon alternate funding or close and rec activity will cease to exist. This omission has resulted in "fear mongering." Voters are told by others that it will be "devastating" if the levy fails. See, The *PT Leader*, letter to the editor by Barry Mitzman, dated 7/8/26 ("Our quality of life could deteriorate dramatically [if the levy does not pass.]"). Although the 2015 staff memorandum is advisory, rather than binding, it faithfully applies the regulations: a presentation that touts only benefits, omits the consequences of rejection and leans on emotive imagery of children is not "objective and fair" within WAC 390-

05-271(2)(b). Wash. Educ. Ass'n v. Wash. State Pub. Disclosure Comm'n, 150 Wn.2d 612, 80 P.3d 608 (2003).

Furthermore, the County Administrator has advised Shellie Yarnell, the person appointed by the County to publicly address the "con" side of the levy, that the County will not print an information sheet which presents the opposite viewpoint of the County's "fact sheet." Nor will the County fund a mailer generated to oppose the levy lift, even though the County will be paying the PUD for distributing the "pro" levy flyer.

Finally, it should be noted that public records requests to Jefferson County about this levy have mostly remained unfulfilled with expected fulfillment dates of late July and October 2026, well after the time period needed for analyzing the validity of certain levy provisions. For example, what alternative funding options, if any, have been considered before deciding to increase property taxes? Why were the Fairgrounds and the WSU Extension monies for 4H included in the levy when they are not part of the Parks and Rec Department budget? What is funded by the $100,000.00+ paid for the 4H program? How much money does Jefferson County pay to nonprofit organizations and for what purpose? What has Jefferson County done to educate employees about the Public Disclosure Commission rules and regulations for government employees? The County's decision to rush through a property tax increase in slightly over 90 days without providing reasoned explanations to these and other questions, is not in the best interest of the citizens of Jefferson County. It does not pass the "smell test."

CONCLUSION

The PDC should impose appropriate penalties for the deficient "fact sheet," as well as the improper PUD mailing which included the fact sheet, as promoted by Peters and Randall. The Commission's authority is specific: RCW 29B.60.020 authorizes civil penalties up to $10,000 per violation, including personal liability. *See*, RCW 29B.60.010, WAC 390-37-182. A dismissal of these violations, as suggested by Peters' email of July 6, 2026, does not further the PDC's stated purpose in promoting fair and accurate election activities, especially when the election pertains to a property tax increase that will impact voters for the next six years. Moreover, the Legislature has directed that the Commission "should be guided to review and address major violations, intentional violations and violations that could change the outcome of an election or materially affect the public interest." Laws of 2018, ch. 304, sec. 1. A one sided levy flyer mailed to every ratepayer weeks before ballots issue is precisely such a matter. Cooperation and corrective steps may bear on the amount of any penalty under WAC 390-37-185, but they do not warrant dismissal.

Lastly, it is apparent that Mr. Wilson was provided with misinformation and is committed to ensuring that the problem which occurred with the Prop #1 levy will not reoccur.

Respectfully submitted,
s/Rosemary Schurman

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cc: Josh Peters, Jeff Randall, Joe Wilson, Heather Dudley-Nollette, Shellie Yarnell, Editor-Port Townsend Leader, Editor-Peninsula Daily News

Fn.#1 Other exemptions which are not applicable to the facts of this case include: "(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;... (4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010."

WAC 390-05-271 General applications of RCW 29B.45.010. (1) RCW 29B.45.010 does not restrict the right of any individual to express their 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. (2) RCW 29B.45.010 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.
WAC 390-05-273 Definition—Normal and regular conduct. Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 29B.45.010, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use. [Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-05-273, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-05-273, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-05-273, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR