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ATTORNEY GENERAL
OF WASHINGTON

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT ACTION AGAINST City of Seattle, Seattle Department of Parks and Recreation Respondent.	PDC CASE NO.: 00-875 & 00-876 FINAL ORDER

The Washington State Public Disclosure Commission (Commission) conducted an enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on June 28, 2001.

The Commission conducted the hearing to consider the stipulation between the parties as to facts violations and penalty, and to consider whether violations occurred and whether the recommended penalty should be assessed.

The Commission held the hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia, Washington. The Respondent appeared for the hearing through Laura Wishik, Attorney at Law. The Staff appeared through F. Neil Gorrell, Assistant Attorney General.

The Commission heard oral argument. The Commission considered the Report of Investigation, Notice of Administrative Charges, the joint Statement of Facts dated June 28, 2001, and the Stipulation as to Facts, Violations and Penalty dated June 28, 2001.

The parties stipulated that the Statement of Facts dated June 28, 2001, contained accurate statements of fact. The parties further stipulated that based upon the stipulated facts, the Commission would likely find multiple violations of RCW 42.17.190. The parties jointly

recommended a proposed total penalty of $7,500.00, plus $2,500.00, representing approximately half of the administrative expense of the Staff investigation in this matter not including legal expenses.

Based on this record, THE COMMISSION ACCEPTS THE STIPULATED FACTS, VIOLATIONS AND PENALTY. THE COMMISSION ORDERS that the Respondent has committed multiple violations of RCW 42.17.190.

THE COMMISSION FURTHER ASSESSES a total civil penalty of $7,500.00 against the Respondent, plus $2,500.00, representing approximately half of the administrative expense of the Staff investigation of this matter not including legal expenses.

The Respondent will seek a Declaratory Order from the Commission regarding RCW 42.17.190 as it relates to indirect lobbying, including grassroots lobbying. Staff may supplement, but will not oppose this request.

THE COMMISSION SUSPENDS $5,000.00 of the total civil penalty in this matter on the following conditions:

(1) That for a period of four years from the conclusion of the Declaratory Order process including appeals, if any, there are no further violations of RCW 42.17, including violations related to indirect lobbying, as that activity is further clarified through the declaratory order process.

(2) The City will conduct training for all City Staff who regularly communicate with constituents on legislative or regulatory issues, are associated with the Respondent's lobbying efforts, and all middle and upper management employees. Respondent will provide written information to all other employees who may otherwise be subject to the provisions of RCW 42.17.190. Said

training and provision of written information must be completed within 90 days from the conclusion of the Declaratory Order process, including appeals, if any. A list of all employees trained will be submitted to Commission staff when training begins. Said training and written information will be verified by Commission Staff.

(3) The Respondent will continue to cooperate with the Commission and to comply in good faith with the provisions of RCW 42.17.

The Respondent shall pay the entire non-suspended portion of the penalty within 60 days from the date this order is entered.

Any party may ask the Commission to reconsider this final order. Parties must place their requests for reconsideration in writing, include the specific grounds or reasons for the request, and deliver the request to the Public Disclosure Commission Offices within 10 days of the date that the Commission serves this order upon the party.

Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedures Act, chapter 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston County or the petitioner's county of residence or principal place of business. The petition for judicial review must be served on the Public Disclosure Commission and any other parties within 30 days of the date that the Public Disclosure Commission serves this final order on the parties.

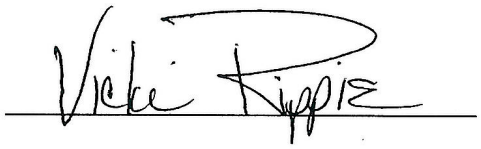
If reconsideration is properly sought, the petition for judicial review must be served on the Public Disclosure Commission and any other parties within 30 days after the Commission acts on the petition for reconsideration. Pursuant to RCW 34.05.470(3), the Public Disclosure

Commission is deemed to have denied the petition for reconsideration if, within twenty days from the date the petition is filed, the agency does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court.

The Commission will seek to enforce this final order in superior court under RCW 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

DATED THIS 9th day of July, 2001.

FOR THE COMMISSION:



VICKI RIPPIE, Executive Director