

MODIFICATION REQUEST COVER SHEET

Name of Filer	DAVID B. JOHNSTON
Reporting Period	<input checked="" type="checkbox"/> Annual report – calendar year 2012 <input type="checkbox"/> Candidate/Appointee report
Type of Request	<input type="checkbox"/> New <input checked="" type="checkbox"/> Renewal with No Change – <u>original granted on August 15, 2007</u> <input type="checkbox"/> Renewal with Change
Office Held & Term	School Board Member, Snohomish School District Elected term ends December, 2015
PDC Protocol	<input checked="" type="checkbox"/> Attorney: Interpretation #02-03 <input type="checkbox"/> Judge / Judicial Candidate: Interpretation #02-04 <input type="checkbox"/> Automobile Dealership: Interpretation #02-05 <input type="checkbox"/> Spousal: Interpretation #02-06 <input type="checkbox"/> WAC
Supporting Documents (attached)	<input checked="" type="checkbox"/> Current F-1a <input checked="" type="checkbox"/> Most recent full F-1 report (filed Apr. 14, 2011) & F-1a (filed Apr. 12, 2012) <input checked="" type="checkbox"/> Modification Application <input checked="" type="checkbox"/> Letter <input checked="" type="checkbox"/> Prior order (if renewal) – <u>Order # 3063</u>
Reason(s) for Modification (as stated by filer)	<ul style="list-style-type: none"> • Mr. Johnston is requesting renewal of the reporting modification that would exempt him from disclosing the business customers that paid \$10,000 or more during 2012 to Livengood, Fitzgerald & Alskog, PLLC, a law firm. • Mr. Johnston is a member of Livengood, Fitzgerald & Alskog, a law firm located in Kirkland, of which he has a 16.66% ownership interest. • Mr. Johnston stated that the law firm's total fee receipts in 2012 were approximately \$3.6 million. He stated the firm currently has about 19 employees. He said he is involved in the day-to-day operations of the firm and does have access to the firm's client list. • Mr. Johnston stated that it would cause a manifestly unreasonable hardship on him, his law firm partners, other attorneys in the firm and the firm's clients to disclose the reportable business customers because of the volume of business clients, staff time required to provide the information and time and resources necessary to obtain the consent of all business clients. He stated that it may not be possible to obtain consent from all business clients. He said it would put the firm at a competitive disadvantage to disclose their list of business clients as other law firms could solicit these clients for business.
Other Issues	<p>Mr. Johnston stated that the Snohomish School District did not make any payments to his law firm in 2012.</p> <p>In accordance with PDC Interpretation #02-03, Mr. Johnston disclosed the following information:</p> <ol style="list-style-type: none"> 1. Reportable business clients for which he provided legal work; 2. Reportable governmental clients of the law firm; and 3. A list of all clients listed on the firm's website or in Martindale Hubble.
Staff Recommendations	Approve renewal of the reporting modification with no change.