



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.pdcc.wa.gov

**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action
Against

Paul Schneider

Respondent.

PDC Case No 15-067

Notice of Administrative
Charges

I. Jurisdiction

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the state campaign finance and disclosure laws; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

II. Allegations

2. PDC staff alleges that Paul Schneider, a teacher at University High School in the Central Valley School District No. 356 in Spokane Valley, Washington, violated RCW 42.17A.555 by using the facilities of the Central Valley School District to assist his campaign for School Director in Spokane School District No. 81 in 2015, when he videotaped a political advertisement at his desk in his classroom.

III. Findings

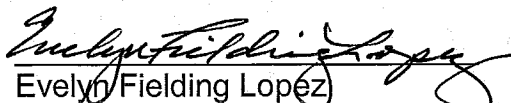
3. On May 28, 2015, Paul Schneider filed a Candidate Registration (C-1 report) declaring his candidacy for election to Spokane School District 81 as a School Director. Mr. Schneider was a first-time candidate for public office in 2015.

4. On May 28, 2015, Mr. Schneider videotaped a political advertisement in support of his candidacy in his University High School classroom and at his desk. The videotape was 42 seconds in length, and introduced Mr. Schneider to Spokane area voters as a candidate for Spokane School District School Director in 2015.
5. The videotape informed viewers that Mr. Schneider would be communicating with voters via his campaign Facebook page, and through the campaign website which he stated should be up and running soon. Mr. Schneider stated that he would be posting weekly videos on the campaign website and he provided viewers with his campaign website address.
6. During the videotape, Mr. Schneider solicited viewers to submit questions to the campaign through the Facebook page and campaign website, and that the weekly videotapes release by the campaign would be posted on the website and provide answers to the questions he had received concerning education issues and his candidacy.

IV. Law

RCW 42.17A.555 states 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."

Respectfully submitted this 12th day of April, 2016



Evelyn Fielding Lopez
Executive Director



STATE OF WASHINGTON
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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

**IN RE COMPLIANCE
WITH RCW 42.17A**

Paul Schneider

Respondent.

PDC CASE NO: 15-067

REPORT OF INVESTIGATION

I.

Background and Allegations

- 1.1 On March 10, 2015, Paul Schneider filed a Candidate Registration (C-1 report) declaring his candidacy for election to Spokane School District 81 as a School Director. **Exhibit #1.** Mr. Schneider is a teacher at University High School in the Central Valley School District No. 356 and he was a first-time candidate for public office.
- 1.2 On May 20, 2015, Patricia A. Kienholz filed a C-1 report declaring her candidacy for election to Spokane School District 81 as a School Director.
- 1.3 On August 6, 2015, Derek Corbin filed a complaint with the Public Disclosure Commission (PDC) alleging that Mr. Schneider used the facilities of the Central Valley School District to assist his campaign for Spokane School District School Director. **Exhibit #2.**
- 1.4 Specifically, Mr. Corbin stated that Mr. Schneider may have violated RCW 42.17A.555 by using Central Valley School District facilities to assist his campaign for Spokane School District School Director, and attached to his complaint three exhibits that included the following:
 - A May 28, 2015, video of Mr. Schneider on sitting at his desk in his Central Valley School District classroom discussing his campaign for School Director.
 - A June 12, 2015, video of Ben Magruder, a University High School student, standing inside of a Central Valley School District classroom campaigning in support of Mr. Schneider.

- A July 9, 2015, video of Kylee Dickinson, a University High School student, on standing inside of a Central Valley School District classroom campaigning in support of Mr. Schneider.

II. Findings

- 2.1 On August 27, 2015, PDC staff received a telephone call from Mr. Schneider, in which he stated that all students working on his campaign approached him and asked to volunteer to work on his campaign by ringing doorbells or other activities in support of his candidacy. Mr. Schneider stated most of the students that volunteered on his campaign are seniors and that none of them are in any of his classes.
- 2.2 According to Mr. Schneider, a group of University High School students created a Facebook page dedicated to volunteering to work on Mr. Schneider's School Director campaign. Mr. Schneider stated he found out about the Facebook page after the page had been created by the students and put on-line.
- 2.3 On August 27, 2015, PDC Staff received a telephone call from Don Owen, an Advance Placement Government Teacher (AP), at University High School in the Central Valley School District. Mr. Owen stated as part of the AP class, his students are required to participate in some form of political activity, but that the type of activity the student participates in is left up to the student.
- 2.4 Mr. Owen provided a copy of the "Political Project" for his AP Government. **Exhibit #3.** The "Types of Projects" that the students must participate in included attending a government meeting or formal lecture on a political issue and writing a two-page on what was learned. The projects also included the following:
- Attend and Score a Debate: The student must attend and score the debate, bring back literature, and have a picture taken proving the student was in attendance.
 - Attend a Political Movement: The student must bring back literature, have a picture taken proving the student was in attendance, and write a two-page paper summarizing the event including the students' opinions on what was observed and how they participated.
 - Help in a Campaign or Political Movement: The student must: (1) participate as a volunteer for a candidate, political party, or organization and engage in activities including doorbelling or leafletting, sign waving, assist in setting up a rally, make telephone calls, etc....; (2) have a picture taken proving the student's was in

attendance; and (3) write a two-page paper summarizing how the students experience and opinions on what was observed and how they participated.

- 2.5 Mr. Owen stated that once the assignment has been completed, the student must write a paper on the political activity they were involved with, and the paper must be at least two pages in length. He stated that many of his AP Government students in the past have worked on political projects and request their assignments for the upcoming school year in advance. He stated that he has had students that have worked on their political projects over the summer months before school started, and added that if a student wants to work on project not listed on the Political Project sheet, the student must get his Mr. Owen's approval first.
- 2.6 On May 28, 2015, Mr. Schneider videotaped a political advertisement in support of his candidacy in his University High School classroom and at his desk. The videotape was 42 seconds in length, and introduced Mr. Schneider to Spokane area voters as a candidate for Spokane School District School Director in 2015. During the videotape, Mr. Schneider:
- Informed viewers that he would be communicating with voters via his campaign Facebook page, and through the campaign website which should be up and running soon.
 - Indicated that he would be posting weekly videos on the campaign website and he provided viewers his campaign website address.
 - Solicited viewers to submit questions to the campaign through the Facebook page and campaign website.
 - Stated that weekly videotapes would be posted to the campaign website providing answers to questions he had received concerning education issues.
- 2.7 On September 7, 2015, Mr. Schneider submitted an email to PDC staff in response to the allegations listed in the complaint. **Exhibit #4.** Mr. Schneider provided several links to Central Valley School District policies concerning students' rights and responsibilities, and the district's policies on AP programs.
- 2.8 Mr. Schneider stated that the students in the videos are incredibly engaged in school activities, leadership and sports and spend a significant amount of time on school grounds both before and after class times. He stated that the two students made the videos on their own, and that they were not provided special access or authorization to the school facilities and that the students "were not supervised in any specific way."

- 2.9 Mr. Schneider stated that neither he, Mr. Owen nor any other person authorized, directed or influenced Mr. Magruder or Ms. Dickinson into making the video's to support his candidacy. He posted the video, along with the two other videos made by Mr. Magruder and Ms. Dickinson at University High School, to his campaign website. The video's made by Mr. Magruder and Ms. Dickinson at University High School were part of the normal and regular conduct for students participating in Mr. Owen's AP Government class.

III. Scope

- 3.1 Staff reviewed the following documents:

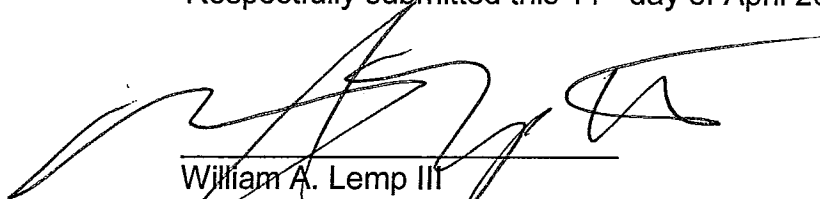
- A complaint filed against Paul Schneider received on August 6, 2015 from Derek Corbin.
- Copy of the requirements for students to get credit from Mr. Owen's class.
- Video of Mr. Schneider – videoed in his classroom at University High School.
- Video of Mr. Magruder – videoed in a classroom at University High School.
- Video of Ms. Dickinson – videoed in a classroom at University High School.

IV. Law

- 4.1 **RCW 42.17A.555** – Prohibits the use of public office or agency facilities in campaigns and states the following: "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."

- 4.2 **WAC 390-05-273** Defines normal and regular conduct of a public office or agency, to mean "...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.

Respectfully submitted this 11th day of April 2016.



William A. Lemp III
Lead Political Financial Investigator

EXHIBIT LIST

- EXHIBIT 1:** March 10, 2015, Candidate Registration filed by Paul Schneider declaring his candidacy School Director for the Spokane School District.
- EXHIBIT 2:** August 6, 2015, complaint filed by Derek Corbin with the PDC against Mr. Schneider.
- EXHIBIT 3:** Don Owen, Teacher (AP), at University High School in the Central Valley School District an Advance Placement Government Mr. Owen's listing of Political Projects his students can take part in to earn up to 20 points credit.
- EXHIBIT 4:** September 7, 2015 email from Paul Schneider responding to the complaint.



711 CAPITOL WAY RM 204
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 763-1111
Toll Free 1-877-601-2828

Candidate Registration

C1
(1/2008)

DATE FILED PDC

MAR 10 2015

Candidate's Name (Give candidate's full name.)

PAUL H SCHNEIDER

Telephone Number

509-280-0919

Candidate's Committee Name (Do not abbreviate.)

FRIENDS OF PAUL SCHNEIDER

Fax Number

Mailing Address

4516 E. 39TH AVE

Candidate's E-Mail Address

PSCHNEID8297@GMAIL.COM

City

SPOKANE

Zip +4

99223

Campaign E-Mail Address

pschneid8297@gmail.com

1. What office are you running for?

Legislative District, County or City

Position No.

Do you now hold this office?

SCHOOL DIRECTOR

SPOKANE SD 081

4

Yes No

2. Political party (if partisan office)

3. Date of general or special election

NON PARTISAN

11-03-2015

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

Option I **MINI REPORTING:** In addition to my filing fee of \$ _____, I will raise and spend no more than \$5,000, including any charges for inclusion in state and local voters pamphlets. I will not accept more than \$500 in the aggregate from any contributor except myself.

Option II **FULL REPORTING:** I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.

5. Treasurer's Name and Address. Does treasurer perform only ministerial functions? Yes ___ No See WAC 390-05-243 and next page for details. List deputy treasurers on attached sheet. Continued on attached sheet.

Daytime Telephone Number

DAWN M BUSHYEAGER

14107 E. SUNNYSIDE DR., SPOKANE VALLEY WA 99037

509-570-3991

6. Persons who perform only ministerial functions on your behalf and on behalf of other candidates or political committees. List name, title and address of these persons. See WAC 390-05-243 and next page for details. Continued on attached sheet.

7. Committee Officers and other persons who authorize expenditures or make decisions on your behalf. List name, title and address. See next page for definition of "officer." Continued on attached sheet.

8. Campaign Bank or Depository

Branch

City

SPOKANE TEACHERS CREDIT UNION

SOUTH VALLEY

SPOKANE VALLEY

9. Related or Affiliated Political Committees. List name, address and relationship. Continued on attached sheet.

10. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City where campaign books will be available for inspection

4516 E. 39TH AVE., SPOKANE

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): **509-280-0919 PSCHNEID8297@GMAIL.COM**

11. CERTIFICATION:

I certify that this report is true, complete and correct to the best of my knowledge.

Candidate's Signature

Date

PAUL H SCHNEIDER

Office Use Only: No. _____ Form revised 08/2014
**WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION
COMPLAINT FORM**

Date: August 6, 2015

To: PDC

From: Derek Corbin

Description of Complaint:

1. RESPONDENT(S):

1) **Paul Schneider, teacher** University High School (Central Valley School District); **Candidate** for Spokane Public Schools, District 81, School Board Position 4;

Address:

Paul Schneider
4516 E. 39th Avenue
Spokane, WA 99223

Phone:

(509) 448-9334

Email:

pschneid8297@gmail.com

Website:

<http://www.paulfortheboard.com>

Campaign Facebook Page:

Friends of Paul Schneider, Public Figure

<http://www.facebook.com/paulschneider23/timeline>

2) University High School (Central Valley School District)

Address:

University High School
12420 E. 32nd Avenue
Spokane Valley, WA 99216
Principal: Kevin Frandsen
Assistant Principal: Brandon Deyarmin

Phone:
(509) 228-5240

3) Central Valley School District

Address:
Central Valley School District:
612 S. McDonald Road
Spokane Valley, WA 99016
Superintendent: Ben Small
Assistant Superintendent: Timothy Nootenboom

Phone:
(509) 922-3943

2. ALLEGED VIOLATIONS:

- 1) Candidate for Spokane Public Schools School Board (District 81) Paul Schneider used public school property to film and make 3 separate campaign videos for his school board campaign, violating RCW 42.17A.555 – “use of public facilities to aide a campaign”; and “use of public facilities for political purposes”; and**

- 2) On three separate occasions (05/28/15; 06/12/15; 07/09/15) school board candidate Paul Schneider published videos he made while on public school property campaigning for his school board campaign to his public campaign Facebook page “Friends of Paul Schneider”; violating RCW 42.17A.555 – “use of public facilities to aide a campaign” and “use of public facilities for political purposes”; and**

- 3) In the video posted 07/09/15, University High School student and ASB president Kylee Dickinson can be heard saying “Here at U-High” as she recommends candidate Paul Schneider for Spokane Public Schools school board director. The video was filmed in a University High School classroom. And as of 08/06/15 has been viewed 841 times.**

- 4) In the video posted 06/12/15, University High School student Ben Magruder is observed in a public high school classroom, recommending candidate Paul Schneider for Spokane Public Schools school board director. The video was filmed in a classroom and as of 08/06/15 has been viewed 168 times.**

- 5) In the video posted 05/28/15, candidate and University High School teacher Paul Schneider is seen sitting in an office at University High School campaigning for election as Spokane Public Schools school board director. As of 08/05/15 the video has been viewed 279 times.**

- 6) I viewed all three videos within one week of the date they were posted on Paul Schneider's campaign Facebook page and they are all still viewable as of August 6, 2015, have not been removed as of August 6, 2015.**

3. EVIDENCE:

- 1) See (3) attached videos in separate emails 1 of 3; 2 of 3; 3 of 3; and**

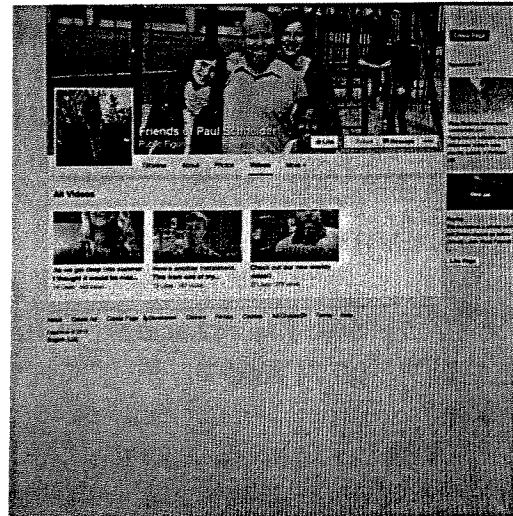
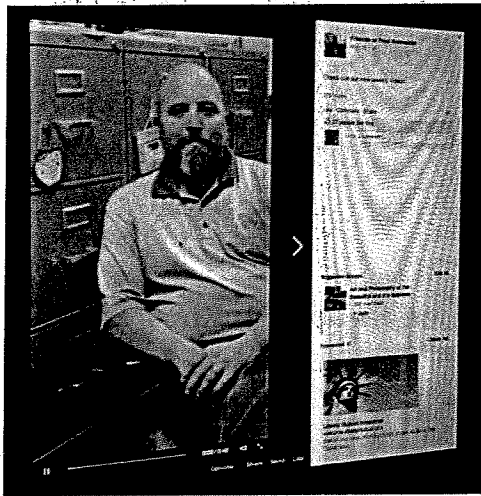
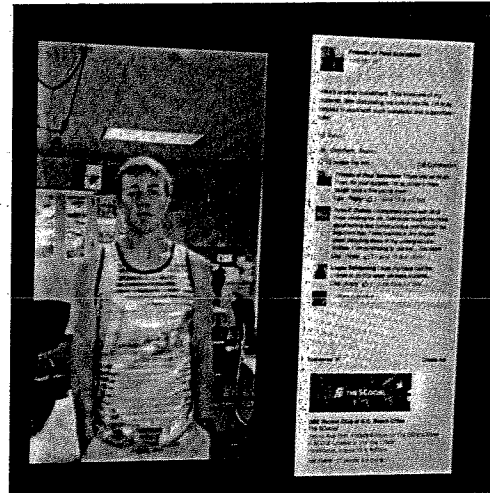
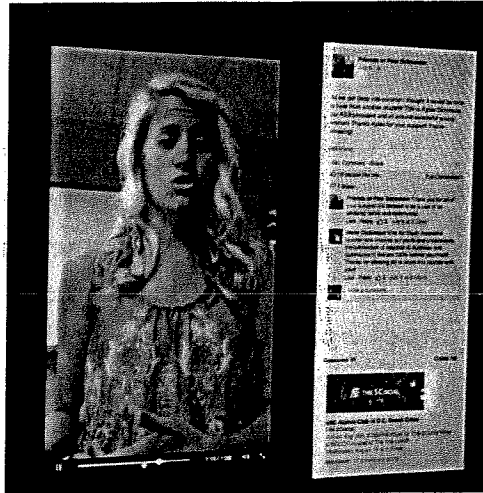
- 2) 3) Videos can be found on the Facebook Page "Friends of Paul Schneider"**

- 3) I have made copies of the videos.**

- 4) The videos as of 08/06/15 have been viewed a total of 1,288 times.**

(continued next page)

**5) See photos compiled here taken from posted videos from
"Friends of Paul Schneider" Facebook
page**



4. WITNESSES:

Two University High School students participated in making the videos:

- 1) Kylee Dickinson, University High School ASB president (parent Marty Dickinson); and**

• Unless otherwise noted, I agree that PDC may use email instead of U.S. mail for all written correspondence about this complaint.

FROM:

Derek Corbin
2627 E. Nicklaus Avenue
Spokane, WA 99223
(509) 818-8026 (c)
(509) 448-1727 (h)
dcfreeski@yahoo.com

Oath

Required for complaints against elected officials or candidates for elective office:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this complaint is complete, true and correct to the best of my knowledge and belief.*

Your signature

Derek Corbin



Date signed

08/06/15

Place signed (city and county)

Spokane WA

Spokane, WA

See

Attachments

***RCW 9A.72.040 says that "(1) A person is guilty of false swearing if he makes a false statement which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."**

Washington State Public Disclosure Commission

MAILING ADDRESS: Washington State Public Disclosure Commission

PDC Exhibit # 2
Page 5 of 9

2) Ben Magruder, University High School student (Carrie Magruder parent).

3) Marty Dickinson, parent in the Central Valley school district; works at Umpqua Bank

4) Carrie Magruder, parent in the Central Valley school district; works at Brick House Massage

5) The videos have been viewed a total of 1,288 times as of 08/06/15 at 2:50 p.m.

6) Morgan Oyler, of the Nonpartisan League is aware of the videos and contacted Paul Schneider's opponent about filing a PDC complaint.

7) Michael Cathcart, Director of Government Affairs at Spokane Home Builders Association, contacted Paul Schneider's opponent about filing a PCC complaint.

8) Candidate Patricia Kienholz is aware of the videos, and has seen the videos.

9) VIDEOS EMAILED IN A SEPARATE EMAIL TO THIS EMAILED COMPLAINT AS VIDEOS 1, 2 AND 3.

In signing this complaint:

- I have provided all information, documents and other evidence of which I am aware;**
- If I become aware of additional information, documents or evidence related to my complaint, I will promptly provide it to the PDC; and,**
- I am providing the PDC current information on how to contact me, and will promptly update that information if it changes.**

• Unless otherwise noted, I agree that PDC may use email instead of U.S. mail for all written correspondence about this complaint.

FROM:
Derek Corbin
2627 E. Nicklaus Avenue
Spokane, WA 99223
(509) 818-8026 (c)
(509) 448-1727 (h)
dcfreeski@yahoo.com

Oath
Required for complaints against elected officials or candidates for elective office:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this complaint is complete, true and correct to the best of my knowledge and belief.*

Your signature
Derek Corbin

Date signed
08/06/15

Place signed (city and county)
Spokane WA

Spokane, WA
See

Attachments

***RCW 9A.72.040 says that "(1) A person is guilty of false swearing if he makes a false statement which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."**

Washington State Public Disclosure Commission
MAILING ADDRESS: Washington State Public Disclosure Commission

711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908
EMAIL ADDRESS: pdc@pdc.wa.gov
PHONE: 1-877-601-2828 (toll free)
FAX: (360) 753-1112
HOURS: Monday-Friday, 8:00 a.m. – 5:00 p.m., closed on state holidays.

Political Project

Due Date: November 6

Point Value = 20 points

Types of Projects:

1. Attend and Score a Debate –
 - 1.) Must fill out a scoring sheet for the debate attended.
 - 2.) Take a picture and bring back literature proving you were there.

 2. Attend a Political Rally –
 - 1.) Bring back literature and a picture of your presence.
 - 2.) Write a "Reaction Paper" briefly summarizing the event and give an opinion on the things you observed and participated in. This paper should be a minimum of two pages typed.

 3. Help in a Campaign or Political Movement-
 - 1.) Participate as a volunteer for a political party or organization.(Doorbell, Call or Survey People, Help set up a Rally, Wave Signs, Campaign ,etc) Take a picture proving your presence.
 - 2.) Write a "Reaction Paper" detailing what you did and what your opinions and feelings might have been in your experience. The paper must be at least 2 pages and typed

 4. Attend a Government Meeting-
 - 1.) Attend a meeting School Board Meeting; Town Hall Gathering; County or local Government Meeting. Take a picture proving your presence.
 - 2.) Write a "Reaction Paper" detailing the meeting and the actions taken in it. The paper must be typed and at least 2 pages.

 5. Attend a Formal Lecture on a Political Issue-
 - 1.) Take Notes at the event. Bring back a picture proving your presence at the event.
 - 2.) Write a "Reaction Paper" sharing your feeling and thoughts about the event. Paper should be at least two pages and typed.
- If you have another idea for a political project that is not included contact Mr. Owen and clear it with him before attending.

William Lemp

From: Paul Schneider <pschneid8297@gmail.com>
Sent: Monday, September 07, 2015 4:25 PM
To: William Lemp
Subject: Re: Formal Response to Complaint

Good afternoon Mr. Lemp,

I hope you had a good holiday weekend. Here are my responses to your questions. Questions 6-8 required me to get some help in terms of policy. There are lots of pages on our policy website so instead of attaching all the verbiage I've included a link to the searchable database. If you need this in a different form I will be happy to accommodate, just let me know. The link for policies below is: <http://www.boarddocs.com/cvsd/board.nsf/public#>

#6 – Policy 4260 and 4260 AP

#7 – Policies 2022, 2022AP, 3200 (Student rights and responsibilities handbook as well), 3200 AP

#8 – Policy 6112

Numbers 1-5 are answered below.

In order to fully answer your questions I must first explain the nature of our high school and the kids who help lead our community. The kids in the videos are incredibly engaged students who are often at school from sun-up to well after dark. They are involved in sports, leadership and other activities that divide their time when they are on campus. I tell you this because to pinpoint "supervision" for either of these engaged students would be nearly impossible. They have at least 10 adult "supervisors" who are engaged with them at any one time. That said, I will try and succinctly answer your questions.

1. No one authorized these students access to the building. They are there doing all kinds of activities and since they are trusted leaders in our community require no "official" authorization to be in the building.
2. Again, no person "authorized" a video production. The students made videos on their own.
3. These particular students were not supervised in any specific way. They are trusted leaders in our building and therefore are not specifically supervised in the comings and goings.
4. This was NOT part of any civics course or assignment
5. Neither the school principal nor the district superintendent were aware in any way of videos being made.

On Thu, Sep 3, 2015 at 4:10 PM, William Lemp <william.lemp@pdc.wa.gov> wrote:

Mr. Schneider

Thank you for your response. I have a few questions for you:

1. Who authorized the students access to the school after hours?

2. Who authorized the students to record their videos on school property?
3. Who was supervising the students during the video shoots?
4. Was this part of the Civic class assignment?
5. Was the school principle or the district superintendent aware of the students activities? If so, Who?
6. Does University High school allow anyone to come on their campus and make videos in a classroom?
 - a. If so, does University High charge a rental rate to use a classroom?
7. Does the district have a policy about students shooting videos in schools? If so, please forward a copy of the policy.
8. Does the district have a policy for teachers and employees to use school property? If so, please forward a copy of the policy.

Your cooperation is greatly appreciated.

Respectfully

William A. Lemp III

Lead Political Financial Investigator



360-753-1980 / 360-753-1111

1-877-601-2828

[Http://www.pdc.wa.gov/](http://www.pdc.wa.gov/) / william.lemp@pdc.wa.gov