

Sound Transit 3

Executive Summary and Staff Analysis

(45-Day Citizen Action Complaint)

This summary highlights staff's findings, conclusions, and recommendations regarding the allegations contained in PDC Case 7823. This case resulted from a 45-Day Citizen Action Complaint (Complaint) filed on August 20, 2016 by Conner Edwards with the Washington State Public Disclosure Commission, Washington State Attorney General, and the King County Prosecutor.

I. Background

In March 2016, Sound Transit received a public records request asking for a list of all Sound Transit email subscribers. The list was provided in April 2016, and updated email addresses were requested in July 2016. In August 2016, the Seattle Times reported that Sound Transit had provided Mass Transit Now, the political committee supporting the Sound Transit 3 ballot measure, with email addresses, including email addresses for ORCA card holders which were exempt from public disclosure.

On August 20, 2016, Conner Edwards filed a complaint against Sound Transit with the Public Disclosure Commission, Washington State Attorney General's Office, and the King County Prosecutor's Office. On August 23, 2016, PDC staff sent an email to Sound Transit, informing the agency of the complaint and requesting a written response. On August 25, 2016, Amy Jo Pearsall, Senior Legal Counsel for Sound Transit, provided a response to the allegations.

II. Allegations

The Complaint alleged that Sound Transit may have violated RCW 42.17A.555 by using public facilities or resources in support of the Sound Transit 3 (ST3) ballot measure. The complaint also alleged that Sound Transit may have violated RCW 42.56.330(5) by releasing information that was exempt from disclosure under the Public Records Act.

III. Investigative Findings and Conclusions

Based on the factors identified in the investigation, staff found and concluded as follows:

First Allegation – Violation of RCW 42.17A.555: Abigail Doerr is the campaign manager for Mass Transit Now, a political committee registered in support of the ST3 ballot measure. Ms. Doerr requested email addresses from Sound Transit and received responsive documents.

Sound Transit has email addresses from different categories of subscribers. One group of subscribers are ORCA card holders (transit fare payment cards). Personally identifying information of persons who use transit fare payment cards is not publicly available, and is exempt from public disclosure pursuant to RCW 42.56.330(5).

Sound Transit provided Ms. Doerr with all email addresses, including the ORCA card holder email addresses. After the Seattle Times reported that Sound Transit had provided exempt email addresses to Mass Transit Now, Sound Transit asked Ms. Doerr

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to not use the previously provided email address list, and provided a new list. Sound Transit's General Counsel acknowledged that Sound Transit should not have provided the ORCA email addresses. Exhibit 7. Sound Transit's Senior Manager of Media Relations and Public Information stated to the Seattle Times that anyone who was an ORCA card holder should not have had their email address released: "We erroneously provided their email addresses to the campaign as part of our response to their request." Exhibit 1.

RCW 42.17A.555 provides that "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." However, if the public agency uses or authorizes the use of the facilities as part of the agency's "normal and regular conduct of the office or agency" then such use is not a violation.

It is part of the normal and regular conduct of Sound Transit for the agency to respond to public records requests. However, it is not normal or regular conduct for the agency to release ORCA email addresses. The Sound Transit Public Records Officer noted that she knew that ORCA card holder information was exempt from public disclosure. The Sound Transit General Counsel noted that the ORCA card holder emails should not have been sent to Ms. Doerr and requested that she delete the "erroneously provided email addresses." Exhibit 7. Sound Transit's Senior Manager of Media Relations also noted that ORCA email addresses had been provided to the ST3 campaign erroneously. Exhibit 1.

Sound Transit's provision of exempt ORCA email addresses to Mass Transit Now is an apparent violation of RCW 42.17A.555.

Second Allegation – Violation of RCW 42.56.330(5): The personally identifying information of ORCA card holders is exempt from public disclosure. The Public Disclosure Commission does not review violations of the state's Public Records Act. Staff recommend no action on the allegation of a violation of public records laws.

IV. Recommendation

For the reasons described above, Staff recommends:

With regard to the alleged violation of RCW 42.17A.555 by Sound Transit, Staff recommend that the Commission determine that there is an apparent violation of the state's Campaign Finance Laws and recommend the Attorney General take appropriate action.

With regard to possible violations of RCW 42.56.330(5), Staff recommend the Commission take no action.



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re

Sound Transit

Respondent.

PDC Case 7823

Report of Investigation

I. Background and Allegations

1. On March 28, 2016, Abigail Doerr, Campaign Manager for the Mass Transit Now political committee, sent an email public records request to Sound Transit requesting a list of Sound Transit's email subscribers along with information about the contact's name, which list the person subscribed to, and the date when the person first subscribed. Exhibit 2.
2. Mass Transit Now is a political committee registered in support of Regional Transportation Improvement District 1, a measure that will be on the November 8, 2016 general election ballot. This ballot measure is a funding mechanism for increases in Sound Transit services, and is commonly referred to as Sound Transit 3, or ST3.
3. On April 11, 2016, Sound Transit sent a list of subscribers to Ms. Doerr and indicated that the agency's response to the records request was complete. Exhibit 5.
4. On August 19, 2016, the Seattle Times published an article, "Sound Transit improperly gave 173K ORCA card users' info to ballot measure promoters" regarding the release of email addresses to the Mass Transit Now campaign. Exhibit 1.
5. On August 20, 2016, Conner Edwards filed a complaint with the Public Disclosure Commission and with the Attorney General alleging that Sound Transit may have violated RCW 42.17A.555 by using public resources and providing the agency's email

records to the Mass Transit Now campaign committee in support of the Sound Transit 3 ballot measure. .Exhibit 1.

II. Findings

A. Allegation that Sound Transit may have violated RCW 42.17A.555 by using public facilities or resources to support the Sound Transit 3 (ST3) ballot measure.

1. As noted above, on March 28, 2016, Abigail Doerr, Campaign Manager for the Mass Transit Now political committee, sent an email public records request to Sound Transit requesting a list of Sound Transit's email subscribers along with information about the contact's name, which list the person subscribed to, and the date when the person first subscribed. Exhibit 2.
2. Mass Transit Now is a political committee registered in support of Regional Transportation Improvement District 1, a measure that will be on the November 8, 2016 general election ballot. This ballot measure is a funding mechanism for increases in Sound Transit services, and is commonly referred to as Sound Transit 3, or ST3.
3. Within two hours of receipt of the public records request, Ms. Doerr's emailed request was routed from Q'Deene Nagasawa, a paralegal in Sound Transit's Legal Department, to Jennifer Dice. Ms. Dice sent the email to Craig Davison, Sound Transit's Executive Director of Communications and External Affairs, and to Geoff Patrick, Sound Transit's Senior Manager of Media Relations and Public Information, with the note: "Just wanted to let you know about this PDR. The requestor is asking for the email addresses for all of our subscribers in GovDelivery. Give me a call if you have questions." Mr. Davison answered with his own question: "Do we know who?" Mr. Patrick responded, "She is with Transportation Choices Coalition." Exhibit 3.
4. On April 4, 2016, Ms. Nagasawa acknowledged the records request, and indicated that it would take one to two weeks to identify and gather responsive records. Exhibit 4.
5. On April 11, 2016, Sound Transit sent a list of subscribers to Ms. Doerr and indicated that the agency's response to the records request was complete. Exhibit 5.
6. On July 25, 2016, Brock Howell, sent a records request to Sound Transit requesting "Sound Transit's new email subscribers from March 28, 2016¹ until the date this request is responded to by submission of the email subscribers to me." The request continued with specificity regarding the email data sought:

Specifically, I request:

1. Email address
2. Contact's First and Last name, in separate fields/columns

¹ March 28, 2016 was the date of Ms. Doerr's request for email addresses.

3. Which lists they are subscribed to
4. Date they first subscribed to the email list
5. Phone number, if available
6. Home city, if available
7. Zip code, if available

The request also asked for a spreadsheet of all public commenters from public hearings. The records request from Mr. Howell appears to be a follow up request to the one made by Ms. Doerr on March 28, 2016. Exhibit 11.

7. Brock Howell was reported receiving a salary from Mass Transit Now in August 2016 according to the C4 expenditure report for the period of 8/1/16 to 8/31/16, filed with the Public Disclosure Commission on September 14, 2016. Exhibit 11, page 3.

8. On August 19, 2016, the Seattle Times published an article, "Sound Transit improperly gave 173K ORCA card users' info to ballot measure promoters" regarding the release of email addresses to the Mass Transit Now campaign. Exhibit 1.

9. On August 19, 2016, Desmond Brown, Sound Transit's General Counsel, sent an email to Abigail Doerr, explaining that some of the email addresses sent to Ms. Doerr pursuant to her public records request "should not have been sent to you because they are exempt from public disclosure under Washington's Public Records Act." Mr. Brown requested Ms. Doerr delete the erroneously provided email addresses: "Because the exempt Orca card holder email addresses should not have been sent to you, we ask that you permanently delete the email addresses from your organization's email database and that you not send emails to those email addresses. Attached please find the marked email addresses associated with ORCA card holders." Exhibit 7.

10. On September 2, 2016, PDC Staff interviewed Q'Deene Nagasawa, Sound Transit Paralegal and Public Records Officer. Amy Jo Pearsall, Sound Transit Senior Legal Counsel, was also present during the interview. Ms. Nagasawa stated that the public records request for email addresses had come from Abigail Doerr, and had not come from the Mass Transit Now committee.

11. Ms. Nagasawa explained that once she reviews a public records request, she then sends it to the appropriate division within Sound Transit so they can put together the information requested. In the case of Ms. Doerr's request, the request was sent to the Web Team that maintains the website, and the Web Team provided a list of email subscribers.

12. Ms. Nagasawa claimed that there was no way to tell if the email addresses were anything other than Sound Transit subscribers. Ms. Nagasawa explained that after the email list was sent out, there was a determination that some of the ORCA card holder email addresses had been included in the released list.

13. PDC Staff asked if there was a file for email addresses of individuals who just wanted information about Sound Transit, and a separate file for ORCA card holders. Ms. Pearsall believed the two email address lists were input separately into the system, however Sound Transit's request to GovDelivery did not distinguish between the two email lists and the two lists were comingled. Ms. Pearsall clarified that currently the two lists are separate, or ORCA email addresses are not stored in the same location.

14. Ms. Nagasawa stated that the two email address lists are kept separately since she knew the ORCA card holder's information is exempt from public disclosure. She did not have any idea that the email address information had been comingled since they were kept in separate folders.

15. Ms. Nagasawa explained that the ORCA email addresses had been combined with the Sound Transit email addresses for a mailer or survey. After the mailer or survey was completed, the ORCA email addresses were not separated from the regular Sound Transit email addresses. When the email list for Ms. Doerr's records request was compiled, ORCA email addresses were inadvertently included in the response.

16. Ms. Pearsall explained that the Sound Transit Public Records department is part of the legal division of Sound Transit. Ms. Pearsall may get involved with public records requests depending on the complexity or oddness of the request. She stated that she does not get involved with standard public records requests.

17. The request for email addresses from Ms. Doerr, and the follow up request for updated email addresses from Mr. Howell, was only the second time that Sound Transit had received a request for email addresses. Prior to Ms. Doerr's request, the first and only request for email addresses from Sound Transit was made in 2008. Despite the fact that requests for email addresses were not common, and despite the fact that there had not been a request for email addresses in eight years, Ms. Doerr's request does not appear to have been treated as an unusual request.

18. Ms. Nagasawa admitted that she was aware that ORCA card holder information was exempt from public disclosure, but she does not appear to have requested review from an attorney; nor does she appear to have provided any clarification regarding whether some email lists should not be released.

19. Although Ms. Nagasawa indicated that the records request was from Ms. Doerr rather than from Mass Transit Now, within hours of Sound Transit's receipt of Ms. Doerr's request several Sound Transit executives, Ms. Dice, Mr. Davison, and Mr. Patrick, knew that the request had been made by a representative of the Transportation Choices Coalition. Exhibit 3.

20. RCW 43.56.330 provides:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter: ...

(5) The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

21. Sound Transit's General Counsel acknowledged that Sound Transit should not have released copies of the ORCA card holders' email addresses: "Yesterday, we learned that the file also contained the email addresses of ORCA card holders that should not have been sent to you because they are exempt from public disclosure." Exhibit 7.

22. According to the Seattle Times:

[M]ost of the wrongly distributed email addresses were registered to ORCA cardholders as of 2011.

The email addresses had been kept in Sound Transit's GovDelivery system used to issue transit notifications, rider alerts and other updates – a database that also contains contact information for people who have interacted with the agency. Under state law, that information must be publicly disclosed when requested, [Geoff] Patrick said.

"Anybody whose email was in there only by virtue of being an ORCA customer, they shouldn't have been there," Patrick said. "We erroneously provided their email addresses to the campaign as part of our response to their request."

Exhibit 1.

23. RCW 42.17A.555 provides that:

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.

24. Releasing the ORCA card holder email addresses was not part of the normal and regular conduct of Sound Transit.

B. Allegation that Sound Transit may have violated RCW 42.56.330(5) by releasing exempt personal information to Mass Transit Now for their email electioneering campaign.

1. The allegation that Sound Transit may have violated a provision of the state's public records act by releasing ORCA email addresses is outside the scope of authority of the Public Disclosure Commission.

2. Individuals who believe that they may have a cause of action for a violation of the public records act, and specifically RCW 42.56.330(5) which provides an exemption for certain public utilities and transportation information, may take appropriate action. However, such individuals should note that RCW 42.56.060 provides "No public agency, public official, public employee, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record if the public agency, public official, public employee, or custodian acted in good faith in attempting to comply with the provisions of this chapter."

III. Scope

1. PDC staff reviewed the following documents:

- The Citizen Action letter filed with the Attorney General's Office and the King County Prosecutor's Office by Conner Edwards against Sound Transit on August 23, 2016. Exhibit 1.
- April 4, 2016 email to Ms. Doerr from Sound Transit acknowledging her Public Records Request dated March 28, 2016. Exhibit 2.
- April 11, 2016 email to Ms. Doerr from Sound Transit with an attachment containing a list of Sound Transit subscribers. Exhibit 3.
- August 19, 2016 email from Attorney Desmond Brown, General Counsel, Sound Transit. Exhibit 4.
- August 25, 2016, response from Attorney Amy Jo Pearsall, Senior Legal Counsel, Sound Transit. Exhibit 8.

2. Staff reviewed Sound Transit (www.soundtransit.org) websites and found a link to the Soundtransit3.org website.

3. Staff reviewed a website titled: "Abigail Doerr – Transportation Choices Coalition. On the site there is a short biography on Abigail Doerr, which in part states: "She first got involved with TCC in 2014 when she ran the successful "Yes for Seattle Transit" ballot measure right after winning and managing the "Seattle Parks for All" ballot measure."

4. Staff reviewed an article by the Seattle Times, "State probe should answer questions about ST3 campaign, soon," dated September 1, 2016. The article states: "Sound Transit admitted that it erred in releasing the personal information to the Mass Transit Now campaign advocating for Sound Transit's \$54 billion plan to expand regional mass transit." Exhibit 10.

5. Staff conducted interviews by phone with Abigail Doerr, Mass Transit Now campaign manager, Q'Deene Nagasawa, Sound Transit Paralegal and Public Records Officer, and Amy Jo Pearsall, Sound Transit Senior Legal Counsel.

IV. Laws

RCW 42.17A.555 states in part: (1) 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:

(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;

(3) Activities which are part of the normal and regular conduct of the office or agency.

...

RCW 42.56.330(5) states in part: The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

...

(5) The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

Respectfully submitted this 15th day of September 2016.



William A. Lemp III
Lead Political and Finance Investigator

List of Exhibits

- Exhibit 1** 45-Day Citizen Action Complaint to the Washington State Attorney General and the Public Disclosure Commission from Conner Edwards, received August 20, 2016
- Exhibit 2** Emailed public records request from Abigail Doerr to Sound Transit, sent March 28, 2016
- Exhibit 3** Sound Transit emails dated March 28, 2016
- Exhibit 4** Sound Transit's acknowledgement of receipt of public records request, dated April 4, 2016
- Exhibit 5** Sound Transit's response to Doerr public records request, issued April 11, 2016
- Exhibit 6** Sound Transit emails dated August 19, 2016
- Exhibit 7** Sound Transit email from General Counsel to Doerr, dated August 19, 2016
- Exhibit 8** Sound Transit response to PDC Staff, dated August 25, 2016
- Exhibit 9** Seattle Times article, dated September 1, 2016
- Exhibit 10** Emailed public records request from Brock Howell, sent July 25, 2016
- Exhibit 11** Mass Transit Now C4, filed September 14, 2016

File a Formal Complaint - Conner Edwards

Conner Edwards reported 4 days ago (Sat, 20 Aug at 1:46 AM) via Portal Meta

To Whom it May Concern --

I am filing a formal complaint alleging that the public agency Sound Transit violated RCW 42.17A.555 by illegally releasing an exempt list of contact information to the campaign committee "Mass Transit Now" in violation of the Public Records Act.

The improper release of this list is evidence that the government agency Sound Transit is improperly coordinating with "Mass Transit Now" committee to influence the outcome of the ST3 ballot measure.

The contact list containing 227,000 names was used to send out a mass e-mail electioneering communication from "Mass Transit Now" promoting a "yes" vote on ST3, which will be on the 2016 General election ballot.

Public agencies routinely respond to public record requests. Designated officers keep redaction logs, containing the PRA exemptions that are most applicable to the documents the agency possesses. Experienced attorneys advise staff on what information can be released and what is exempt. It is simply not conceivable that Sound Transit was not aware of the exemption in RCW 42.56.330. It is far more likely that they intentionally did not apply the exemption so as to benefit the "Mass Transit Now" campaign.

If one person among the 227,000 had not registered for the ORCA program with a separate e-mail address, it is likely that Sound Transit's violation of the law would not have been discovered. It is likely that the collaboration between Sound Transit and "Mass Transit Now" goes deeper than the violation I am currently writing about.

If passed, ST3 will dramatically increase Sound Transit's taxes in Snohomish, King, and Pierce Counties. Both the "Yes" and the "No" campaign have a right to be heard, but as a government agency, Sound Transit must stop influencing the outcome of the election with public resources.

Lori Anderson, spokeswoman for the PDC, summed up the issue well: "If there's protected records that they wouldn't give to you or I, then they shouldn't be giving those to the campaign... .. that's a restriction on using public facilities to support a political campaign's ballot initiative."

While I rely heavily on the facts written in Mr. Kamb's 8/19 article (attached), I have also made a public record request to Sound Transit for documents related to the violation I have just described. When I receive more information related to the violation, I will share it with the appropriate PDC compliance officer.

In addition to filing this complaint with the Public Disclosure Commission, I will also be notifying the Attorney General's Office and King County Prosecutor's Office pursuant to RCW 42.17A.765 (4).

I reserve the right to enforce RCW 42.17A via citizen's action in the name of the state if the Attorney General and Prosecuting Attorney fail to act within the time period prescribed by law.

Best,

Conner Edwards
(425) 533-1677 cell



Local Politics

TRAFFIC ALERT

Avoid southbound I-5 near Tukwila. Traffic is reduced to two lanes for repairs through 5 a.m. Monday.

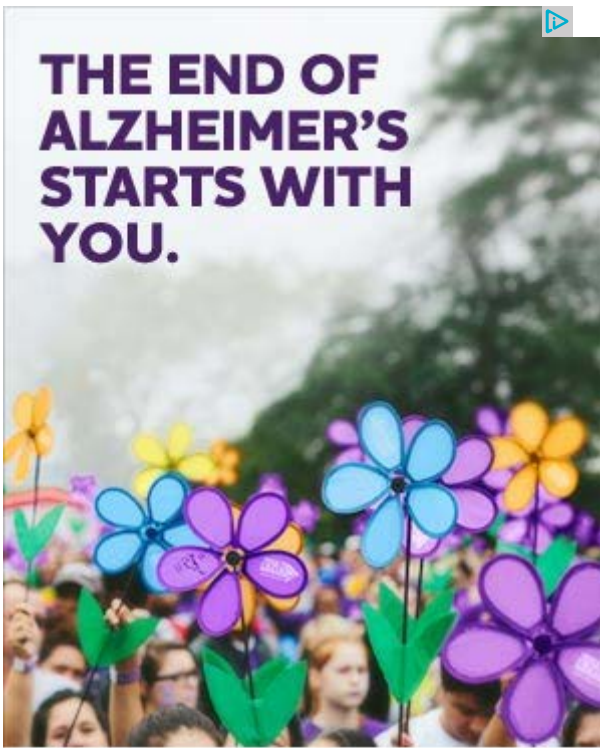
Sound Transit improperly gave 173K ORCA card users' info to ballot measure promoters



Originally published August 19, 2016 at 8:33 pm Updated August 19, 2016 at 10:25 pm



Sound Transit's sharing of the cardholders' information with the ST3 campaign may violate two state laws. Shown is an Orca card reader in downtown Seattle. (Steve Ringman / The Seattle Times)



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ALZHEIMER'S
STARTS WITH
YOU.**

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END
ALZHEIMER'S**
alzheimer's association

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START A TEAM

Sound Transit acknowledged the potentially illegal email release after The Seattle Times raised questions this week. An ORCA cardholder had contacted the newspaper about an ST3 campaign email he received through an email address he said he uses exclusively with his ORCA account.

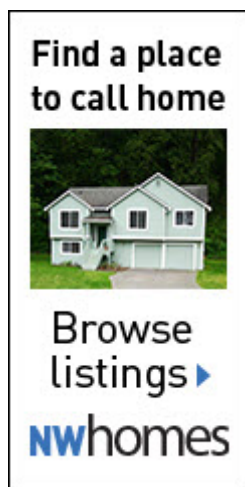


By [Lewis Kamb](#) 

Seattle Times staff reporter

Sound Transit improperly gave the email addresses of nearly 173,000 ORCA cardholders to the political campaign promoting ST3, the fall ballot measure seeking to expand regional mass transit, a spokesman for the transit agency acknowledged Friday.

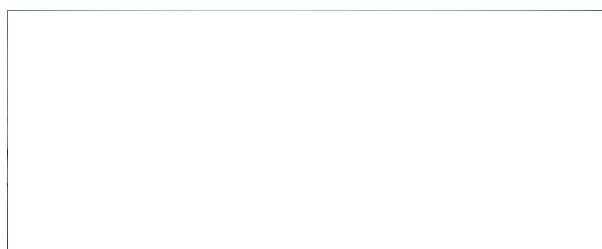
The distribution of the transit passholders' email addresses was a mistake made as part of Sound Transit's response to the Mass Transit Now! campaign's recent public-disclosure requests for the transit agency's email subscribers' lists, Sound Transit spokesman Geoff Patrick said.



"It turns out our response to the campaign was more broadly construed than it should have been," said Patrick.

Sound Transit's acknowledgment of the email release, which may be illegal, came after The Seattle Times raised questions this week. An ORCA cardholder had contacted The Times about an ST3 campaign email he received through an email address he said he uses exclusively with his ORCA account.

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Digging deep for razor clams on the Washington coast (2:14)

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Unlike other email lists that Sound Transit has, the ORCA account information gets special protection under state law.

The personal identifying information of holders of the ORCA regional transit fare cards, which Sound Transit administers for various participating transit agencies, is meant to be protected from unauthorized public disclosure, as detailed in an ORCA [privacy statement](#).

Sound Transit's sharing of the cardholders' information with the ST3 campaign may also violate two state laws — a legal provision that exempts governments in Washington from [disclosing public transit pass holders' personal identifying information](#), and another that [bars government agencies from using public resources to promote a political campaign](#).

“If there's protected records that they wouldn't give to you or I, then they shouldn't be giving those to the campaign,” Lori Anderson, spokeswoman for the state's Public Disclosure Commission (PDC), told The Seattle Times on Friday. “That's a restriction on using public facilities to support a political campaign's ballot initiative.”

Mass Transit Now received contact information from Sound Transit for about 227,000 individuals, a campaign spokesman said in an email this week. The campaign has said it used the list of addresses to send out one mass email this week promoting the \$54 billion light-rail expansion measure voters will consider on the November ballot.

“Our consultants know the rules around public disclosure and often ask for publicly disclosable lists when they are useful for outreach purposes,” said James Canning, a spokesman for Mass Transit Now!



The Seattle Times raised the issue to Sound Transit on Thursday after the ORCA cardholder contacted the newspaper. The Seattle man, who asked not to be identified, said he uses a specific email address as a contact to the ORCA program and didn't give permission for Sound Transit to share it.

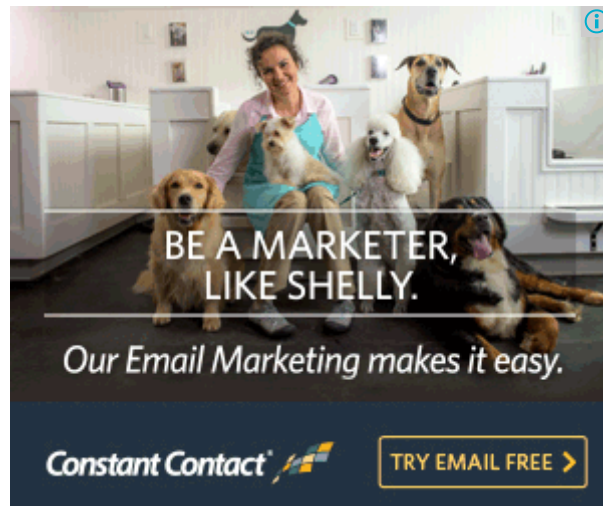
On Tuesday, he received an email to that address from Mass Transit Now campaign manager Abigail Doerr.

"Hi Friend," said the email, which briefly explained the ballot measure. "You love riding transit ... Let everyone know how much you want this to happen."

The ORCA cardholder said the campaign email rankled him.

"I like having my privacy," he said. "For all I know, I might even vote for the initiative. But I think there was potentially inappropriate sharing of my personal information by a quasi-government agency."

Sound Transit has since notified the campaign and asked it to remove all the improperly sent email addresses from its files and to no longer use them, Patrick said.



Canning said late Friday the campaign planned to scrap the entire list.

“We’ve assured them that we’re not going to use those email addresses,” he said.

Sound Transit also planned to send an email Friday evening to all ORCA cardholders who were affected to explain the matter, Patrick said.

He said most of the wrongly distributed email addresses were registered to ORCA cardholders as of 2011.

The email addresses had been kept in Sound Transit’s GovDelivery system used to issue transit notifications, rider alerts and other updates — a database that also contains contact information for people who have interacted with the agency. Under state law, that information must be publicly disclosed when requested, Patrick said.

“Anybody whose email was in there only by virtue of being an ORCA customer, they shouldn’t have been there,” Patrick said. “We erroneously provided their email addresses to the campaign as part of our response to their request.”



Sound Transit's improper sharing of ORCA cardholder information marks the second time in five months that the agency likely violated state law related to the ST3 ballot measure.

A public-outreach survey distributed by the agency this year that sought feedback about Sound Transit's planned expansion used at least one question to gauge why people would be willing to vote for the ballot measure.

After the PDC said the poll likely ran afoul of state law that bars public agencies from supporting political campaigns, [Sound Transit pulled the question from the survey](#).

Lewis Kamb: lkamb@seattletimes.com or 206-464-2932. Twitter [@lewiskamb](#)

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From: abigail.doerr@gmail.com on behalf of [Abigail Doerr <abigail.doerr@gmail.com>](mailto:Abigail.Doerr<abigail.doerr@gmail.com>)
To: [PRA Requests](#)
Subject: Public Records Request - 2016-03-28 14:20:08
Date: Monday, March 28, 2016 2:20:15 PM

Received by Sound Transit Legal Department
March 28, 2016

PD16-146

Public Records Request - 2016-03-28 14:20:08

Name: Abigail Doerr

Firm:

Address: 419 13th Ave E #401

City State Zip: Seattle

Phone: 5092630144

Fax:

Email: abigail.doerr@gmail.com

Preferred Contact Method: email

Request Message: I am requesting the list of the entirety of Sound Transit's email subscribers. Please include the following if possible:

1. Email
2. Contact's name
3. Which lists they are subscribed to
4. Date they first subscribed to the email list

Requestor Signature: Abigail Doerr

Formtype: 31DAD030-6CF2-4DA3-A856-933A966ABF0D

Submission Date: 3/28/2016 2:20:08 PM

Email Valid: email format is valid - reply sent

Sender data:

[REMOTE_ADDR]: 172.21.60.8

[HTTP_USER_AGENT]: Mozilla/5.0 (Windows NT 6.1) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/49.0.2623.87 Safari/537.36

Note: This is an automated notification. Please do not reply to this message.

From: Davison, Craig
Date: March 28, 2016 4:23:31 PM (-07)
To: Dice, Jennifer
Subject: **Re: FYI - Public disclosure request**

Attachments: image001.png;

Do we know who?

Sent from my phone

On Mar 28, 2016, at 4:22 PM, Dice, Jennifer
<jennifer.dice@soundtransit.org<mailto:jennifer.dice@soundtransit.org>> wrote:

Just wanted to let you know about this PDR. The requestor is asking for the email addresses for all of our subscribers in GovDelivery.

Give me a call if you have questions.

JD

From: Nagasawa, Q'Deene
Sent: Monday, March 28, 2016 4:05 PM
To: Dice, Jennifer
Subject: Doerr, Abigail PD16-146

<https://sharepoint.soundtransit.org/sites/legal/Public%20Disclosures/2016/Doerr,%20Abigail%20PD16-146%20request.pdf>

Q'Deene Nagasawa
Paralegal | Public Records Officer
Legal Department
Sound Transit
401 South Jackson
Seattle, WA 98104
(206) 689-4924
Fax: (206) 398-5222

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facebook.com/SoundTransit<http://www.facebook.com/SoundTransit>
twitter.com/SoundTransit<http://www.twitter.com/SoundTransit>
<image001.png>

From: Patrick, Geoff
Date: March 28, 2016 4:27:17 PM (-07)
To: Dice, Jennifer; Davison, Craig
Subject: **RE: FYI - Public disclosure request**

Attachments: image001.png;

She is with Transportation Choices Coalition.

From: Dice, Jennifer
Sent: Monday, March 28, 2016 4:22 PM
To: Davison, Craig <craig.davison@soundtransit.org>; Patrick, Geoff <geoff.patrick@soundtransit.org>
Subject: FYI - Public disclosure request

Just wanted to let you know about this PDR. The requestor is asking for the email addresses for all of our subscribers in GovDelivery.

Give me a call if you have questions.

JD

From: Nagasawa, Q'Deene
Sent: Monday, March 28, 2016 4:05 PM
To: Dice, Jennifer
Subject: Doerr, Abigail PD16-146

<https://sharepoint.soundtransit.org/sites/legal/Public%20Disclosures/2016/Doerr,%20Abigail%20PD16-146%20request.pdf>

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twitter.com/SoundTransit<<http://www.twitter.com/SoundTransit>>
[cid:image001.png@01CFB081.D1850820]

From: Nagasawa, Q'Deene
Date: April 04, 2016 2:28:37 PM (-07)
To: abigail.doerr@gmail.com
Subject: **Doerr, Abigail PD16-146**

Attachments: image001.png;

This will acknowledge receipt of your request for a list of the entirety of Sound Transit's email subscribers, to include the following if possible:

1. Email
2. Contact's name
3. Which lists they are subscribed to
4. Date they first subscribed to the email list

We received your request on March 28, 2016.

Please note that in your request you certified pursuant to RCW 42.56.070, that the list of individuals obtained through this request would not be used for commercial purposes. If you intend to use this information for commercial purposes we will withhold the records unless directly authorized or directed by law.

If you do not intend to use this information for commercial purposes, given our staffs' workload and the number of requests we are currently handling, we estimate that it will take another 1-2 weeks to identify and gather responsive records. We will contact you once we have completed our search.

Please also note that the provisions of Chapter 42.56 RCW pertain only to existing records and do not require agencies to respond to interrogatory questions, explain records or create new records in response to public record requests.

Sincerely,
Q'Deene Nagasawa

Q'Deene Nagasawa
Paralegal | Public Records Officer
Legal Department
Sound Transit
401 South Jackson
Seattle, WA 98104
(206) 689-4924
Fax: (206) 398-5222

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[twitter.com/SoundTransit](http://www.twitter.com/SoundTransit)<<http://www.twitter.com/SoundTransit>>
[cid:image001.png@01CFB081.D1850820]

From: Nagasawa, Q'Deene
Date: April 11, 2016 7:59:14 PM (-07)
To: abigail.doerr@gmail.com
Subject: **RE: Doerr, Abigail PD16-146**

Attachments: image001.png; WASOUND Subscribers 2016_03.xlsx;

Attached is a list of subscribers in response to your request. Here is the password as the file is password protected: L8}>39ngQ5

This completes our response to your request and we are closing your request file.

Sincerely,
Q'Deene Nagasawa

From: Nagasawa, Q'Deene
Sent: Monday, April 04, 2016 2:29 PM
To: 'abigail.doerr@gmail.com' <abigail.doerr@gmail.com>
Subject: Doerr, Abigail PD16-146

This will acknowledge receipt of your request for a list of the entirety of Sound Transit's email subscribers, to include the following if possible:

1. Email
2. Contact's name
3. Which lists they are subscribed to
4. Date they first subscribed to the email list

We received your request on March 28, 2016.

Please note that in your request you certified pursuant to RCW 42.56.070, that the list of individuals obtained through this request would not be used for commercial purposes. If you intend to use this information for commercial purposes we will withhold the records unless directly authorized or directed by law.

If you do not intend to use this information for commercial purposes, given our staffs' workload and the number of requests we are currently handling, we estimate that it will take another 1-2 weeks to identify and gather responsive records. We will contact you once we have completed our search.

Please also note that the provisions of Chapter 42.56 RCW pertain only to existing records and do not require agencies to respond to interrogatory questions, explain records or create new records in response to public record requests.

Sincerely,
Q'Deene Nagasawa

Q'Deene Nagasawa
Paralegal | Public Records Officer
Legal Department
Sound Transit
401 South Jackson
Seattle, WA 98104
(206) 689-4924

From: Anderson, Elizabeth
Date: August 19, 2016 6:25:48 PM (-07)
To: Davison, Craig; Dice, Jennifer
Cc: Patrick, Geoff
Subject: **RE: Orca email**

Attachments: Copy of WASOUND Subscribers 2016_03.xlsx;

The PDR# appears to be PD16-146

Attached is the list; it's filtered down to only the ORCA ones. The password is L8}>39ngQ5

I've made a new list in GovDelivery to send the email out to with only these addresses called Combined ORCA list.

Let me know if you need anything else - I'll send once I hear back from Geoff.

-----Original Message-----

From: Davison, Craig
Sent: Friday, August 19, 2016 6:17 PM
To: Dice, Jennifer <jennifer.dice@soundtransit.org>; Anderson, Elizabeth <elizabeth.anderson@soundtransit.org>
Cc: Patrick, Geoff <geoff.patrick@soundtransit.org>
Subject: RE: Orca email
Importance: High

Please send me the excel grid with the names marked that are ORCA only as discussed.

I also need the PDR# if available.

-----Original Message-----

From: Dice, Jennifer
Sent: Friday, August 19, 2016 5:15 PM
To: Patrick, Geoff <geoff.patrick@soundtransit.org>; Davison, Craig <craig.davison@soundtransit.org>
Cc: Anderson, Elizabeth <elizabeth.anderson@soundtransit.org>
Subject: Orca email

I just spoke with Beth. She is on her way home but has everything she needs to send an email via Gov Delivery. She'd be able to do that by around 6.15. She can send just to those who are on an ORCA list and nothing else. Or she can send the email to the larger group which will have a few people that are subscribed to other topics.

When you have the email ready to go please send it to Beth and let her know whether you want to use the larger group or the slightly smaller narrow ORCA topics only group.

Jennifer

From: Davison, Craig
Date: August 19, 2016 6:26:28 PM (-07)
To: Dice, Jennifer; Patrick, Geoff
Cc: Anderson, Elizabeth
Subject: **RE: FYI - Public disclosure request**

Attachments:

Do we know exactly when we fulfilled the request?

From: Dice, Jennifer
Sent: Friday, August 19, 2016 6:20 PM
To: Davison, Craig <craig.davison@soundtransit.org>; Patrick, Geoff <geoff.patrick@soundtransit.org>
Cc: Anderson, Elizabeth <elizabeth.anderson@soundtransit.org>
Subject: Fwd: FYI - Public disclosure request

I believe this is the original pdr

On Mar 28, 2016, at 4:22 PM, Dice, Jennifer
<jennifer.dice@soundtransit.org<mailto:jennifer.dice@soundtransit.org>> wrote:
Just wanted to let you know about this PDR. The requestor is asking for the email addresses for all of our subscribers in GovDelivery.

Give me a call if you have questions.

JD

From: Nagasawa, Q'Deene
Sent: Monday, March 28, 2016 4:05 PM
To: Dice, Jennifer
Subject: Doerr, Abigail PD16-146

<https://sharepoint.soundtransit.org/sites/legal/Public%20Disclosures/2016/Doerr,%20Abigail%20PD16-146%20request.pdf>

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facebook.com/SoundTransit<<http://www.facebook.com/SoundTransit>>
twitter.com/SoundTransit<<http://www.twitter.com/SoundTransit>>
<image001.png>

From: Patrick, Geoff
Date: August 19, 2016 6:30:06 PM (-07)
To: Davison, Craig; Dice, Jennifer; Anderson, Elizabeth
Subject: **RE: Orca email**

Attachments: Doerr, Abigail PD16-146 request.pdf; Howell, Brock PD16-331 request.pdf;

Here is the PDR request.

-----Original Message-----

From: Davison, Craig
Sent: Friday, August 19, 2016 6:17 PM
To: Dice, Jennifer <jennifer.dice@soundtransit.org>; Anderson, Elizabeth <elizabeth.anderson@soundtransit.org>
Cc: Patrick, Geoff <geoff.patrick@soundtransit.org>
Subject: RE: Orca email
Importance: High

Please send me the excel grid with the names marked that are ORCA only as discussed.

I also need the PDR# if available.

-----Original Message-----

From: Dice, Jennifer
Sent: Friday, August 19, 2016 5:15 PM
To: Patrick, Geoff <geoff.patrick@soundtransit.org>; Davison, Craig <craig.davison@soundtransit.org>
Cc: Anderson, Elizabeth <elizabeth.anderson@soundtransit.org>
Subject: Orca email

I just spoke with Beth. She is on her way home but has everything she needs to send an email via Gov Delivery. She'd be able to do that by around 6.15. She can send just to those who are on an ORCA list and nothing else. Or she can send the email to the larger group which will have a few people that are subscribed to other topics.

When you have the email ready to go please send it to Beth and let her know whether you want to use the larger group or the slightly smaller narrow ORCA topics only group.

Jennifer

From: **Brown, Desmond** <desmond.brown@soundtransit.org>
Date: Fri, Aug 19, 2016 at 7:31 PM
Subject: Public Records Request
To: "abigail.doerr@gmail.com" <abigail.doerr@gmail.com>

SOUND TRANSIT

Confidential Attorney-Client Communication

IF YOU RECEIVED THIS E-MAIL MESSAGE BY MISTAKE, PLEASE DO NOT READ IT.

Reply to sender and delete this e-mail. Thank you

Dear Ms. Doerr,

In response to Mass Transit Now's public record's request for the e-mail addresses of persons who registered to receive information regularly sent out by Sound Transit through our GovDelivery e-mail distribution service, Sound Transit sent you an electronic batch file containing the e-mail addresses we believed responsive to your request. Yesterday, we learned that the file also contained the e-mail addresses of ORCA card holders that should not have been sent to you because they are exempt from public disclosure under Washington's Public Records Act.

Because the exempt Orca card holder email addresses should not have been sent to you, we ask that you permanently delete the e-mail addresses from your organization's e-mail database and that you not send e-mails to those email addresses.

Attached please find the marked e-mail addresses associated with ORCA card holders. The password to access the file is L8}>39ngQ5

Thank you for your consideration of this request.

Please provide your response to our request in a reply email to me.

The information contained in this e-mail is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

Desmond L. Brown

General Counsel

Sound Transit

(206) 398-5017 Office

(206) 325-2560 Cell

desmond.brown@soundtransit.org

--

Abigail Doerr | abigail.doerr@gmail.com | 509.263.0144

Pearsall, Amy replied 21 days ago (Thu, 25 Aug at 3:06 PM)
to: pdc@pdc.wa.gov

Good Afternoon Mr. Lemp,

You have asked whether it is normal policy for Sound Transit to give their customers' email addresses to individuals who request them, and if so, who has been given the email addresses in addition to the Mass Transit Now Committee. To provide the most accurate answers to your questions, I believe it would be helpful to explain the background of the situation at hand.

On March 28, 2016, Sound Transit received a Public Records Request from an Abigail Doerr. Ms. Doerr requested a list consisting of the "entirety of Sound Transit's email subscribers." As required by the Public Records Act, Chapter 42.56 RCW, and per Sound Transit's public records policy, Sound Transit's public records officer worked with staff to identify any records responsive to this request. Digital communications staff gathered the responsive records from the GovDelivery e-mail management software service used by the agency and provided them to the public records officer. The public records officer, in turn, provided these responsive records to the requestor, Ms. Abigail Doerr.

Except in very limited circumstances not applicable to this situation, the Public Records Act does not permit an agency to ask why a requestor is seeking records or for what purpose they are to be used – it may only apply statutory exemptions. In this case, it was later determined that a portion of the emails contained within the response were connected to ORCA card users and were most likely exempt from disclosure pursuant to RCW 42.56.330(5). When the agency learned that it had inadvertently released potentially exempt information, it quickly notified both the requestor and the affected customers that these email addresses had been inadvertently disclosed. The requestor agreed to remove the exempt email addresses from its responsive records.

With regard to Sound Transit's history of releasing email addresses, a search of our public records log reveals that over the past year, we have received two requests for email lists. The first was from Ms. Doerr on March 28th, and the second was from Mr. Brock Howell on July 22nd. Mr. Howell requested a list of new email subscribers from March 28, 2016 until July 22, 2016. That information was provided to Mr. Howell on August 18, 2016.

In conclusion, it is Sound Transit's policy to respond to requests for public records in a timely fashion and to comply with the state's Public Records Act. In responding to Ms. Doerr's March 28th request, some exempt information was inadvertently released, but upon learning of that, Sound Transit took swift steps to rectify the situation. In its efforts to comply with the Public Records Act, Sound Transit has provided lists of email addresses on two separate occasions in 2016. Neither of these requests were specifically from Mass Transit Now, but as I've indicated above, Sound Transit is not permitted to ask a requestor's affiliation with any particular organization, so it is possible that either of these noted requestors could have been connected to or provided the list of email addresses to Mass Transit Now.

I hope this fully answers your questions. If you have any additional questions or require any clarification of what I have included above, please let me know.

Amy Jo Pearsall

Senior Legal Counsel
Legal Department
Sound Transit
W 206.903.7133
amy.pearsall@soundtransit.org

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Editorials

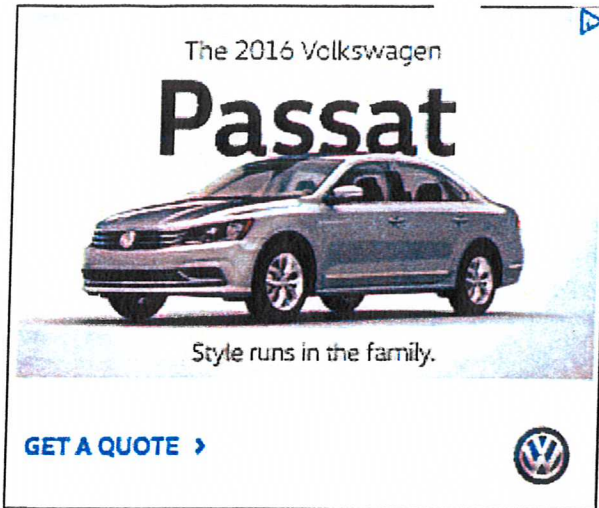
State probe should answer questions about ST3 campaign, soon



Originally published September 1, 2016 at 4:42 pm Updated September 1, 2016 at 4:56 pm



Sound Transit's sharing of the cardholders' information with the ST3 campaign may violate two state laws. Shown is an Orca card reader in downtown Seattle. (Steve Ringman/The Seattle Times)



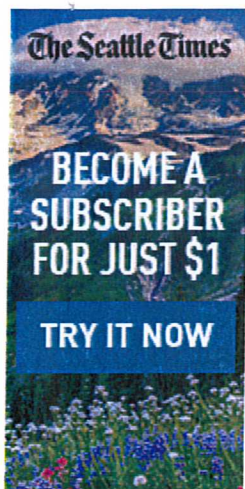
Before voting on Sound Transit 3, voters in the Greater Seattle area need as much information as possible about the massive project.

By Seattle Times editorial board

The Seattle Times

VOTERS need as much information as possible about Sound Transit before they give the agency a huge share of the Puget Sound area's future tax revenue.

That information includes the results of a state investigation into Sound Transit's improper release of 173,000 customer emails to a supportive political campaign.



Sound Transit admitted that it erred in releasing the personal information to the Mass Transit Now campaign advocating for Sound Transit's \$54 billion plan to expand regional mass transit. [State law prohibits](#) governments from assisting political campaigns.

This mistake prompted [a citizen complaint and investigation](#) by the state Public Disclosure Commission. The PDC intends to complete its investigation well before ballots are mailed on Oct. 21.

Read more editorials

[The Times recommends: Roger Goodman for 45th Legislative District House Position 1](#) | Editorial

[Make it easier for entrepreneurs to immigrate to the U.S.](#) | Editorial

[State Supreme Court ruling may damage Public Records Act](#) | Editorial

[Time to ban one of America's favorite weapons](#) | Editorial

[NFL protest and the law that protects police from prosecution](#) | Editorial

[Microsoft is right to challenge the government's secret snooping](#) | Editorial

The PDC's sense of urgency is welcome. It should have the investigation ready for a Sept. 22 meeting, at which point commissioners could decide to penalize Sound Transit.

The Nov. 8 vote on Sound Transit 3 does not hinge on this complaint.

But voters should not have to decide on ST3, and commit perhaps \$20,000 of their household's money over the next 25 years to Sound Transit, with open questions about agency misbehavior.

“One of the big questions about ST3 is whether voters can trust Sound Transit to be prudent and make the right decisions, once it receives a blank check.” 

One of the big questions about ST3 is whether voters can trust Sound Transit to be prudent and make the right decisions, once it receives a blank check.

The credibility question is important because ST3 changes the rules. Unlike ST1 and ST2, this measure creates a new property tax and **permanent taxing authority** for Sound Transit.

If ST3 is approved as written, Sound Transit wouldn't have to periodically ask voters for more support for decades. Those elections were a way to hold Sound Transit accountable during its first and second phases.



That's one reason this editorial board has suggested Sound Transit pause and come back with a leaner proposal for its third phase. Doing so would not halt major investments in the region's transportation network, including Sound Transit extensions, such as light rail between Seattle and Redmond

Other concerns include locking the region into a \$54 billion spending plan that would take decades to complete.

A prompt investigation into Sound Transit's improper campaign assistance would help voters make an informed decision this fall.

Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Donna Gordon Blankinship, Brier Dudley, Mark Higgins, Jonathan Martin, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).

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myown

5 days ago

Hmm. I'm really not convinced one way or another about whether the board is pursuing our interests or their own. I'm just not a big fan of this plan.

From my personal analysis, it [the ST3 plan] makes a ton of folks pay for it with little or no benefit. Some (a very few) may be able to get to a husky game via rail, but whole groups of folks smack in the middle of some of the worst parts of the commute corridors get nothing whatsoever, or worse vague promises for future expansion. And we should be thrilled?

From: [Nagasawa, Q'Deene](mailto:Q'Deene)
To: Anderson, Russ
Cc: Tennison, Leigh
Subject: FW: Public Disclosure Request for Email Subscribers & ST3 Public Commenters
Date: Monday, July 25, 2016 12:36:38 PM

Please open a new request file. Or, let Leigh know if you want her to open.

Thanks.

Received by Sound Transit Legal Department
July 25, 2016

PD16-331

From: Brock Howell [mailto:brockhowell@gmail.com]
Sent: Monday, July 25, 2016 10:33 AM
To: Nagasawa, Q'Deene <qdeene.nagasawa@soundtransit.org>
Subject: Public Disclosure Request for Email Subscribers & ST3 Public Commenters

Hi Q'Deene,

I formally request Sound Transit's new email subscribers from March 28, 2016 until the date this request is responded to by submission of the email subscribers to me.

Specifically, I request:

1. Email address
2. Contact's First and Last name, in separate fields/columns
3. Which lists they are subscribed to
4. Date they first subscribed to the email list
5. Phone number, if available
6. Home city, if available
7. Zip code, if available

In addition, I formally request an excel spreadsheet listing all public commenters and attendees who signed-in at a ST3 public hearing, open house or other public forum or meeting, online or in-person, including the following information:

1. Email address
2. Contact's First and Last name, in separate fields/columns
3. Which lists they are subscribed to
4. Date they first subscribed to the email list
5. Phone number, if available
6. Home city, if available
7. Zip code, if available
8. If indicated on the sign-in sheet, whether the person opposed or supported ST3
9. If indicated on the sign-in sheet, whether the specific issue with ST3 that the person was most concerned with (e.g., opposing transit on the Cross Kirkland Corridor or supporting parking garages at light rail stations).

The requested information will not be used for commercial purposes. I understand that the agency's time is precious and that responding to these PDRs can be time consuming. Nonetheless, a quick turnaround will be greatly appreciated. Thank you for your public service.

Sincerely,

Brock Howell
206-856-4788
8548 2nd Ave NE
Seattle, WA 98115



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURES

C4 <small>(3/97)</small>	<small>PDC OFFICE USE</small>
	100721126
	AMENDS
	100720423
	09-14-2016

Candidate or Committee Name (Do not abbreviate. Include full name)
Mass Transit Now

Mailing Address
 119 1st Avenue South

City
 Seattle, WA

Zip + 4 98104	Office Sought (Candidates)	Election Date 2016
Report Period Covered From (last C-4) 08/01/16	To (end of period) 08/31/16	Final Report? Yes No X

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an **independent expenditure** (i.e., an expense not considered a contribution supporting or opposing a state or local candidate?)

RECEIPTS	Yes	No
1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)		
2. Cash received (From line 2, Schedule A)		
3. In kind contributions received (From line 1, Schedule B).....		
4. Total cash and in kind contributions received this period (Line 2 plus 3).....		
5. Loan principal repayments made (From line 2, Schedule L).....		
6. Corrections (From line 1 or 3, Schedule C)..... Show + or (-)		
7. Net adjustments this period (Combine line 5 & 6)..... Show + or (-)		
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)		
9. Total pledge payments due (From line 2, Schedule B).....		

*See next page

EXPENDITURES	Yes	No
10. Previous total cash and in kind expenditures (From line 17, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)		
11. Total cash expenditures (From line 4, Schedule A)		
12. In kind expenditures (goods & services) (From line 1, Schedule B)		
13. Total cash and in kind expenditures made this period (Line 11 plus line 12).....		
14. Loan principal repayments made (From line 2, Schedule L).....		
15. Corrections (From line 2 or 3, Schedule C)..... Show + or (-)		
16. Net adjustments this period (Combine lines 14 & 15)..... Show + or (-)		
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16).....		

CANDIDATES ONLY			
	Won	Lost	Unopposed
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Treasurer's Daytime Telephone No.:			
(206) 682-7328			

CASH SUMMARY	
18. Cash on hand (Line 8 minus line 17)	946,339.28
19. Liabilities: (Sum of loans and debts owed)	70,966.15
20. Balance (Surplus or deficit) (Line 18 minus line 19)	875,373.13

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature	Date	Treasurer's Signature	Date
		Jay Petterson	09/14/16

CASH RECEIPTS AND EXPENDITURE

SCHEDULE **A**
to C4
(11/93)

2

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

08/01/16 08/31/16

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits
08/01/2016	20.00	08/05/2016	2,500.00	08/11/2016	143.00	
08/04/2016	190,000.00	08/08/2016	1,145.00	08/12/2016	328,000.00	
08/04/2016	250.00	08/09/2016	150.00	See attached		

2. TOTAL CASH RECEIPTS

Enter also on line 2 of C4 \$ 735,411.30

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no other description is generally needed. The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveler and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information on an attached sheet: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE
DEFINITIONS
ON NEXT PAGE

C - Contributions (monetary, in-kind & transfers)
I - Independent Expenditures
L - Literature, Brochures, Printing
B - Broadcast Advertising (Radio, TV)
N - Newspaper and Periodical Advertising
O - Other Advertising (yard signs, buttons, etc.)
V - Voter Signature Gathering

P - Postage, Mailing Permits
S - Surveys and Polls
F - Fundraising Event Expenses
T - Travel, Accommodations, Meals
M - Management/Consulting Services
W - Wages, Salaries, Benefits
G - General Operation and Overhead

3. EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below..
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of detailed expenses or copies of receipts/invoices supporting the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	264.61
08/01/16	ADP, Inc. 600 University St, Ste 2812 Seattle, WA 98101-1184	G	Payroll Taxes	2,044.15
08/12/16	ADP, Inc. 600 University St, Ste 2812 Seattle, WA 98101-1184	G	Payroll Fee	117.99
08/31/16	ADP, Inc. 600 University St, Ste 2812 Seattle, WA 98101-1184	G	Payroll Taxes	7,968.31
08/01/16	Blue Wave Political Partners, 119 1st Ave S, Ste 320 Seattle, WA 98104-3424	M	Compliance Consulting	3,000.00
08/29/16	Blue Wave Political Partners, 119 1st Ave S, Ste 320 Seattle, WA 98104-3424	M	Compliance Consulting	3,000.00
08/01/16	James Canning 6750 Lake Washington Blvd NE, Kirkland, WA 98033-6822	W	Salary	2,631.27

Total from attached pages \$ 886,570.69

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4 \$ 905,597.02

EXPENDITURES CONTINUATION SHEET (Attachment to Schedule A)

Page 3

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

08/01/16

08/31/16

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
08/01/16	James Canning 6750 Lake Washington Blvd NE, Kirkland, WA 98033-6822	T	Travel Reimbursement	162.00
08/31/16	James Canning 6750 Lake Washington Blvd NE, Kirkland, WA 98033-6822	W	Salary	4,857.93
08/24/16	City of Seattle PO Box 94729 Seattle, WA 98124-4729	G	Video Voter's Guide Production	100.00
08/01/16	Brock Howell 8548 2nd Ave NE Seattle, WA 98115-2906	W	Salary	2,527.19
08/31/16	Brock Howell 8548 2nd Ave NE Seattle, WA 98115-2906	W	Salary	3,932.05
08/31/16	Mary LeFleur 3100 NE 306th Ct Camas, WA 98607-9692	M	Graphic Design	2,500.00
08/01/16	Calli McDermott 1706 NW 57th St, Apt 5 Seattle, WA 98107-3035	W	Salary	184.93
08/01/16	Calli McDermott 1706 NW 57th St, Apt 5 Seattle, WA 98107-3035	T	Travel Reimbursement	112.00
08/31/16	Calli McDermott 1706 NW 57th St, Apt 5 Seattle, WA 98107-3035	W	Salary	3,829.05
08/01/16	Newman Partners 712 35th Ave Seattle, WA 98122-5204	M	Fundraising Consulting	11,000.00
08/31/16	Newman Partners 712 35th Ave Seattle, WA 98122-5204	M	Fundraising Consulting	11,000.00
08/12/16	Tracy Newman 712 35th Ave Seattle, WA 98122-5204	F	Catering Reimbursement	275.99

Page Total \$ 40,481.14

EXPENDITURES CONTINUATION SHEET (Attachment to Schedule A)

Page 4

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

08/01/16

08/31/16

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
08/12/16	Tracy Newman 712 35th Ave Seattle, WA 98122-5204	T	Travel Reimbursement	210.04
08/01/16	NGP Van, Inc. 1101 15th St NW, Ste 500 Washington, DC 20005-5006	G	Software Rental	1,132.00
08/04/16	Northwest Passage Consulting 105 S Main St, Ste 332 Seattle, WA 98104-2526	M	General Strategy Consulting	3,000.00
08/24/16	Northwest Passage Consulting 105 S Main St, Ste 332 Seattle, WA 98104-2526	L	Printing	1,379.38
08/01/16	Pacific Public Affairs 1403 3rd Ave, Ste 300 Seattle, WA 98101-2170	M	General Strategy Consulting	6,000.00
08/01/16	Pacific Public Affairs 1403 3rd Ave, Ste 300 Seattle, WA 98101-2170	G	Catering Reimbursement	84.97
08/12/16	Shefali Ranganathan 432 Malden Ave E Seattle, WA 98112-4692	T	Travel Reimbursement	231.68
08/31/16	Screen Strategies Media 11150 Fairfax Blvd, Ste 505 Fairfax, VA 22030-5066	B	Media Advertising	800,000.00
08/31/16	Evan Smith 900 N 75th St Seattle, WA 98103-4744	W	Salary	3,258.55
08/04/16	Sound View Strategies, LLC 603 Stewart St, Ste 819 Seattle, WA 98101-1229	M	General Strategy Consulting	7,000.00
08/29/16	Sound View Strategies, LLC 603 Stewart St, Ste 819 Seattle, WA 98101-1229	M	General Strategy Consulting	3,500.00
08/29/16	The Washington Bus 307 3rd Ave S, Ste 530 Seattle, WA 98104-2687	M	Voter Contact	4,800.00

Page Total \$ 830,596.62

EXPENDITURES CONTINUATION SHEET (Attachment to Schedule A)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

08/01/16

08/31/16

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
08/01/16	Transportation Choices 219 1st Ave S, Ste 420 Seattle, WA 98104-3415	W	Staff Time	6,500.00
08/01/16	Transportation Choices 219 1st Ave S, Ste 420 Seattle, WA 98104-3415	G	Rent	250.00
08/24/16	Transportation Choices 219 1st Ave S, Ste 420 Seattle, WA 98104-3415	G	Rent	250.00
08/24/16	Transportation Choices 219 1st Ave S, Ste 420 Seattle, WA 98104-3415	W	Staff Time	6,500.00
08/31/16	Jackie Vaughn 2325 W Boone Ave Spokane, WA 99201-2904	W	Salary	792.93
08/11/16	Jarquis Walker 2614 Warring St, Apt 10 Berkeley, CA 94704-3425	M	Voter Contact Consulting	1,200.00

**Attachment to Schedule A
Additional Deposits**

for the period: 08/01/16 08/31/16

Name

Date of Deposit	Amount	Date of Deposit	Amount	Date of Deposit	Amount
08/12/16	42.30				
08/15/16	276.00				
08/18/16	40,100.00				
08/18/16	82.00				
08/19/16	312.00				
08/22/16	231.00				
08/24/16	63.00				
08/25/16	85,025.00				
08/25/16	67.00				
08/29/16	395.00				
08/31/16	86,500.00				
08/31/16	110.00				

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE
TO C4

B

(11/93)

7

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date
08/01/16 08/31/16

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution	Fair Market Value	Aggregate Total	P R I	G E N	If total over \$100, Employer Name, City, State & Occup
08/31/16	Economic Alliance of 808 134th St SW, Ste 101 Everett, WA 98204-2300	Public Relations: Puget PR	2,160.00	2,160.00		X	
08/31/16	Enviroissues Inc 101 Stewart St, Ste 1200 Seattle, WA 98101-2449	Rent	412.50	15,412.50		X	
08/01/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Rent	1,300.00	70,828.19		X	
08/04/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Site Rental	125.00	70,828.19		X	
08/04/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Catering	174.99	70,828.19		X	
08/11/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Parking	18.00	70,828.19		X	
08/12/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Site Rental	125.00	70,828.19		X	
08/12/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Catering	91.87	70,828.19		X	
08/12/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Parking	29.00	70,828.19		X	
08/19/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Parking	15.00	70,828.19		X	
08/25/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Parking	15.00	70,828.19		X	
08/26/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Site Rental	125.00	70,828.19		X	
TOTAL THIS PAGE				4,591.36			

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE
TO C4

B

(11/93)

8

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

08/01/16 08/31/16

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution	Fair Market Value	Aggregate Total	P I	G E N	If total over \$100, Employer Name, City, State & Occup
08/26/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Catering	53.60	70,828.19		X	
08/26/16	HNTB Corporation 715 Kirk Dr Kansas City, MO 64105-1310	Parking	32.00	70,828.19		X	
08/31/16	International Brotherhood of 19415 International Blvd Seatac, WA 98188-5308	Site Rental	250.00	250.00		X	
08/04/16	Let's Move Seattle 119 1st Ave S, Ste 320 Seattle, WA 98104-3424	Email List	26.70	26.70		X	
08/31/16	One America Votes 1225 S Weller St, Ste 430 Seattle, WA 98144-1906	Staff Time	532.42	532.42		X	
08/31/16	One America 1225 S Weller St, Ste 430 Seattle, WA 98144-1906	Staff Time	2,072.54	2,072.54		X	
08/31/16	Perteet, Inc. 2707 Colby Ave, Ste 900 Everett, WA 98201-3565	Site Rental	250.00	5,250.00		X	
08/04/16	Restore Pierce Transit Now PO Box 735 Tacoma, WA 98401-0735	Email List	20.00	20.00		X	
08/31/16	Seattle Metropolitan Chamber 1301 5th Ave Seattle, WA 98101-2603	Site Rental	125.00	250.00		X	
08/31/16	Transportation Choices 219 1st Ave S, Ste 420 Seattle, WA 98104-3415	Staff Time	1,774.41	12,754.79		X	
08/31/16	Transportation Choices 219 1st Ave S, Ste 420 Seattle, WA 98104-3415	Rent	400.00	12,754.79		X	
08/31/16	Transportation Choices 219 1st Ave S, Ste 420 Seattle, WA 98104-3415	Printing	150.00	12,754.79		X	
TOTAL THIS PAGE				5,686.67			

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE
TO C4

B

(11/93)

9

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

08/01/16 08/31/16

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution	Fair Market Value	Aggregate Total	P R I	G E N	If total over \$100, Employer Name, City, State & Occup
08/31/16	Transportation Choices 219 1st Ave S, Ste 420 Seattle, WA 98104-3415	Telephone	50.00	12,754.79		X	
TOTAL THIS PAGE			50.00				

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE
TO C4

B

(11/93)

10

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date
08/01/16 08/31/16

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of more than \$100.00.

Date Notified of Pledge	Name and Address of Pledge Maker	Fair Market Value	Aggregate Total	P R I	G E N	If total over \$100, Employer Name, City, State, Occup.
08/31/16	BECU PO Box 97050 Seattle, WA 98124-9750	15,000.00	15,000.00		<input checked="" type="checkbox"/>	
06/30/16	Costco Wholesale 999 Lake Dr Issaquah, WA 98027-8990	50,000.00	100,000.00		<input checked="" type="checkbox"/>	
06/30/16	Iron Workers District Council of the Pacific 11620 NE Ainsworth Cir, # 200 Portland, OR 97220-9016	10,000.00	25,000.00		<input checked="" type="checkbox"/>	
07/31/16	Mass Electric 2500 Airport Way S Seattle, WA 98134-2022	50,000.00	50,000.00		<input checked="" type="checkbox"/>	
06/27/16	Northwest Regional Council NCA 91 25120 Pacific Hwy S, Ste 200 Kent, WA 98032-5436	50,000.00	60,000.00		<input checked="" type="checkbox"/>	
08/31/16	Nucor Steel Seattle, Inc. 2424 SW Andover St Seattle, WA 98106-1100	15,000.00	15,000.00		<input checked="" type="checkbox"/>	
06/27/16	Parsons Brinckerhoff, Inc 1 Penn Plz New York, NY 10119-0002	25,000.00	62,000.00		<input checked="" type="checkbox"/>	
08/31/16	Perteet, Inc. 2707 Colby Ave, Ste 900 Everett, WA 98201-3565	5,000.00	5,250.00		<input checked="" type="checkbox"/>	
08/31/16	Puget Sound Energy PO Box 66235 Burien, WA 98166-0235	25,000.00	25,000.00		<input checked="" type="checkbox"/>	
06/30/16	Seattle/King County Building & 14675 Interurban Ave S, Ste 101 Tukwila, WA 98168-4614	5,000.00	5,000.00		<input checked="" type="checkbox"/>	
08/24/16	SeattleGenetics 21823 30th Dr SE Bothell, WA 98021-3907	25,000.00	25,000.00		<input checked="" type="checkbox"/>	
08/31/16	The Greenbusch Group, Inc. 1900 W Nickerson St, Ste 201 Seattle, WA 98119-1650	500.00	500.00		<input checked="" type="checkbox"/>	
TOTAL THIS PAGE			275,500.00			

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE
TO C4

B
(11/93)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date
08/01/16 08/31/16

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of more than \$100.00.

Date Notified of Pledge	Name and Address of Pledge Maker	Fair Market Value	Aggregate Total	P R I	G E N	If total over \$100, Employer Name, City, State, Occup.
08/31/16	Touchstone 2025 1st Ave, Ste 1212 Seattle, WA 98121-3135	2,500.00	2,500.00		X	
08/31/16	Unico Properties, LLC 1215 4th Ave, Ste 600 Seattle, WA 98161-1084	5,000.00	5,000.00		X	
08/31/16	Urban Renaissance Group 1425 4th Ave, Ste 500 Seattle, WA 98101-2264	7,500.00	7,500.00		X	
07/31/16	Washington State Labor Council, AFL-CIO 321 16th Ave S Seattle, WA 98144-2151	25,000.00	50,000.00		X	
TOTAL THIS PAGE		40,000.00				

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE
TO C4

B

(11/93)

12

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date
08/01/16 08/31/16

3. ORDERS PLACED, DEBTS, OBLIGATIONS. (Give estimate if actual amount not known. Exclude loans. Report loans on Schedule L.)

Expenditure Date	Vendor's/Recipient's Name and Address	Amount Owed	Code OR	Description of Obligation
08/31/2016	Evan Smith 900 N 75th St Seattle, WA 98103-4744	126.90	T	Travel Reimbursement
08/01/2016	Boruck Printing & Silkscreen 11552 15th Ave NE Seattle, WA 98125-6322	640.06	L	Printing
08/31/2016	Pacific Public Affairs 1403 3rd Ave, Ste 300 Seattle, WA 98101-2170	6000.00	M	General Strategy Consulting
08/31/2016	Pacific Public Affairs 1403 3rd Ave, Ste 300 Seattle, WA 98101-2170	46.61	T	Travel Reimbursement
08/25/2016	Sylvia Morris, LLC 8225 California Ave SW Seattle, WA 98136-2320	500.00	F	Event Entertainment
08/27/2016	posterGIANT, Inc. 1205 E Pike St, Ste BB Seattle, WA 98122-3927	405.00	L	Printing
08/31/2016	Kully Hall Struble 318 1st Ave S, Ste 310 Seattle, WA 98104-2597	60000.00	G	Media Production Estimate
08/25/2016	Abigail Doerr 419 13th Ave E, Apt 401 Seattle, WA 98102-5165	188.11	G	Catering Reimbursement
08/31/2016	Marya Gingrey 2114 70th Ave W, Apt 1 University Place, WA 98466-7607	2500.00	M	Facilitator
08/31/2016	Brock Howell 8548 2nd Ave NE Seattle, WA 98115-2906	559.47	T	Mileage Reimbursement
TOTAL THIS PAGE		70966.15		