

Chapter 390-12 WAC

ADMINISTRATIVE PROCEDURES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

390-12-020	Purpose. [Order 9, § 390-12-020, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-030	Definitions. [Order 9, § 390-12-030, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-060	Public records available. [Order 9, § 390-12-060, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-070	Public records officer. [Order 9, § 390-12-070, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-080	Office hours. [Order 9, § 390-12-080, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-090	Requests for public records. [Order 9, § 390-12-090, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-100	Copying. [Order 9, § 390-12-100, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-110	Exemptions. [Order 9, § 390-12-110, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-120	Review of denials of public records requests. [Order 9, § 390-12-120, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-140	Records index. [Order 9, § 390-12-140, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-150	Public disclosure commission—Communications. [Order 62, § 390-12-150, filed 8/26/75; Order 42, § 390-12-150, filed 9/26/74; Order 9, § 390-12-150, filed 4/24/73.] Repealed by WSR 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).
390-12-160	Adoption of form. [Order 9, § 390-12-160 and Form, filed 4/24/73.] Repealed by WSR 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
390-12-180	Public disclosure commission—Duties of officers. [Order 62, § 390-12-180, filed 8/26/75; Order 14, § 390-12-180, filed 7/31/73.] Repealed by WSR 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).
390-12-210	Public disclosure law—Duties of other agencies. [Order 62, § 390-12-210, filed 8/26/75; Order 14, § 390-12-210, filed 7/31/73.] Repealed by WSR 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).

WAC 390-12-010 Public disclosure commission—Regular meetings. Pursuant to RCW 42.30.075, regular (2/4/16)

meetings of the public disclosure commission are scheduled to be held on the fourth Thursday of each month at 9:00 a.m. unless a different time is noted on an agenda, except November and December when a combined meeting is scheduled to be held during the first or second week of December. The meetings shall be held in the commission meeting room, second floor, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington, unless circumstances require relocating to another site. If relocating is required, the meeting shall be held at a place designated by the executive director of the commission.

[Statutory Authority: RCW 42.17.370 and 42.17.690. WSR 06-07-001, § 390-12-010, filed 3/1/06, effective 4/1/06. Statutory Authority: RCW 42.17.370(1). WSR 04-12-053, § 390-12-010, filed 5/28/04, effective 6/28/04. Statutory Authority: RCW 42.17.390. WSR 94-05-010, § 390-12-010, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-010, filed 7/9/85; WSR 82-05-001 (Order 82-01), § 390-12-010, filed 2/4/82; WSR 80-06-119 (Order 80-06), § 390-12-010, filed 5/30/80; WSR 79-10-070 (Order 79-06), § 390-12-010, filed 9/19/79; Order 62, § 390-12-010, filed 8/26/75; Order 14, § 390-12-010, filed 7/31/73.]

WAC 390-12-040 Public disclosure commission—Description of central and field organization. (1) The public disclosure commission is a five member commission appointed by the governor with the consent of the senate. The commission is assisted by a staff consisting of an executive director and such other employees as are necessary.

(2) The administrative office of the commission is located at 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington.

(3) Mailings to the commission should be addressed as follows: Public Disclosure Commission, PO Box 40908, Olympia, WA 98504-0908.

[Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-12-040, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370. WSR 91-24-011, § 390-12-040, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-040, filed 7/9/85; Order 62, § 390-12-040, filed 8/26/75; Order 42, § 390-12-040, filed 9/26/74; Order 9, § 390-12-040, filed 4/24/73.]

WAC 390-12-050 Operations and procedures. (1) The public disclosure commission was created by the passage of Initiative 276 in 1972 for the principal purpose of providing the public with accurate information about certain financial affairs of candidates and elected officials, about the financing of election campaigns and the sponsors of political advertising, and about expenditures made in the course of lobbying. The initiative also contains provisions guaranteeing citizen access to most records of most elements of state and local government.

(2) The duties, responsibilities and powers of the commission are set forth in RCW 42.17A.105, 42.17A.110, 42.17A.120, 42.17A.125, 42.17A.755, and 42.17A.760. Pro-

visions for establishing the commission and appointing the members thereof are stated in RCW 42.17A.100.

(3) Commissioners meet monthly to consider and act on major policy matters, on requests for reporting modifications and on enforcement cases. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), and Sturgis Standard Code of Parliamentary Procedure. The passage of any motion adopting, amending or repealing any rule, or recommending changes to the act shall require a majority vote of the members of the commission as distinguished from a quorum of the commissioners.

(4) The staff prepares and distributes reporting forms and instructions in the most practical manner to persons subject to the law. The instructions are intended to satisfy the requirement of RCW 42.17A.105 to publish bookkeeping manuals. The staff also provides personal instruction and technical assistance to persons with specific problems and questions.

(5) Between 45,000 and 55,000 reports are received during a calendar year from an average of 9,500 reporting "clients." The staff receives these reports, records their receipt, and microfilms and files them. Every effort is made to have reports filmed and available for public inspection and copying within twenty-four hours of their receipt.

(6) Procedures for accessing the files of the agency are given in chapter 390-14 WAC. The staff will provide microfiche copies of reports when requested by mail or telephone. Reports are generally sent the same day the request is received. Answers to telephone inquiries seeking information from particular reports will be limited to (a) verification that a report is on file and (b), if regarding a campaign financing report, the most recent totals for contributions and expenditures.

(7) While some citizens will benefit from the reports by personally reviewing them, most will look to the news media for information. The staff compiles occasional summaries and studies for distribution to news outlets. Known as "Reports to the Public," they provide a condensed mirror image of the information in reports filed with the commission.

(8) The act demands complete, accurate and timely reporting. The commission, as a vehicle of communication between those engaged in political life and the general public, is expected to take whatever actions are necessary to assure the public of having the information it is entitled to; that the flow of communication is not interrupted by those responsible for providing the information. Within the resources provided the commission, reports are reviewed, field audits are conducted and complaints are investigated. The staff concentrates on assisting people in meeting their obligations under the law in hopes of fulfilling the purpose of the act without having to resort to enforcement actions resulting in embarrassment and monetary penalties. Gross negligence and evasions of the act will not be tolerated, however. Acting without fear or favor, the staff will bring to the commissioners for appropriate action all matters where there is evidence of a material violation of chapter 42.17A RCW and/or lack of substantial compliance.

[Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-12-050, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 90-16-083, § 390-12-050, filed 7/31/90, effective 8/31/90. Statutory Author-

ity: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-050, filed 7/9/85; WSR 79-10-017 (Order 79-05), § 390-12-050, filed 9/7/79.]

WAC 390-12-170 Public disclosure commission—Organization and structure—Officers—Terms. The officers of the public disclosure commission for administrative purposes shall be chair and vice chair. Their terms shall be one year or until a successor is elected.

[Statutory Authority: RCW 42.17A.110. WSR 13-11-009, § 390-12-170, filed 5/2/13, effective 6/2/13. Statutory Authority: RCW 42.17.370. WSR 93-19-034, § 390-12-170, filed 9/7/93, effective 10/8/93. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-170, filed 7/9/85; Order 62, § 390-12-170, filed 8/26/75; Order 14, § 390-12-170, filed 7/31/73.]

WAC 390-12-190 Public disclosure commission—Elections—Vacancies. Elections to fill commission offices shall be held annually at the regular June meeting of the commission, or at a special election called for that purpose between May 1 and June 30 of the calendar year in which the new terms will commence. Vacancies in said offices may be filled by a vote of the commission at any regular meeting or any special meeting called for that purpose.

[Order 62, § 390-12-190, filed 8/26/75; Order 14, § 390-12-190, filed 7/31/73.]

WAC 390-12-200 Public disclosure commission—Role of the executive director. The executive director acts as the commission's chief administrative officer and is accountable to the commission for agency administration. In addition, the executive director will:

(1) Act as the appointing authority for agency staff, including the authority to hire, set salaries, promote, assign work, evaluate, take corrective action and, where appropriate, terminate staff.

(2) Exercise such other management oversight, decision-making and administrative action to provide timely and meaningful public access to accurate information about the financing of political campaigns, lobbyist expenditures, and the financial affairs of public officials and candidates, and to ensure compliance with and equitable enforcement of Washington's disclosure and campaign finance laws.

(3) Determine when appropriate and authorize enforcement alternatives set out in chapter 390-37 WAC to resolve complaints filed with the commission.

(4) Act as liaison between the commission and other public agencies.

(5) Research, develop, and draft policy positions, administrative rules, interpretations and advisory options for presentation to the commission.

(6) Enter into contracts and agreements on behalf of the commission.

(7) The executive director may delegate authority to subordinates, consistent with agency delegation of authority protocols as adopted by the commission, to act for him or her as needed and appropriate.

[Statutory Authority: RCW 42.17A.110. WSR 16-05-008, § 390-12-200, filed 2/4/16, effective 3/6/16. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-200, filed 7/9/85; Order 62, § 390-12-200, filed 8/26/75; Order 14, § 390-12-200, filed 7/31/73.]

WAC 390-12-250 Declaratory order—Petition requisites—Consideration—Disposition. (1) Any person may submit a petition for a declaratory order pursuant to RCW 34.05.240 in any form so long as it

(a) Clearly states the question the declaratory order is to answer, and

(b) Provides a statement of the facts which raise the question.

(2) The executive director may conduct an independent investigation in order to fully develop the relevant facts.

(3) The executive director will present the petition to the commission at the first meeting when it is practical to do so and will provide the petitioner with at least five days notice of the time and place of such meeting. Such notice may be waived by the petitioner.

(4) The petitioner may present additional material and/or argument at any time prior to the issuance of the declaratory order.

(5) The commission may issue either a binding or a non-binding order or decline to issue any order.

(6) The commission may decide that a public hearing would assist its deliberations and decisions. If such a hearing is ordered, it will be placed on the agenda of a meeting and at least five days notice of such meeting shall be provided to the petitioner.

(7) If an order is to be issued, the petitioner shall be provided a copy of the proposed order and invited to comment.

(8) The declaratory order cannot be a substitute for a compliance action and is intended to be prospective in effect.

(9) The commission will decline to consider a petition for a declaratory order or to issue an order when (a) the petition requests advice regarding a factual situation which has actually taken place, or (b) when a pending investigation or compliance action involves a similar factual situation.

[Statutory Authority: RCW 42.17.370. WSR 90-16-083, § 390-12-250, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-12-250, filed 7/9/85; WSR 81-18-043 (Order 81-03), § 390-12-250, filed 8/28/81.]

WAC 390-12-255 Petitions for rule making, amendment or repeal—Form—Consideration—Disposition. Any person may submit a petition requesting the adoption, amendment or repeal of any rule by the commission, pursuant to RCW 34.05.330 and the uniform rules adopted by the office of financial management that are set forth in chapter 82-05 WAC.

[Statutory Authority: RCW 42.17.370(1). WSR 99-12-056, § 390-12-255, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370. WSR 90-16-083, § 390-12-255, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). WSR 81-18-043 (Order 81-03), § 390-12-255, filed 8/28/81.]