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## South Kitsap School District: Alleged violation of RCW 42.17A.555 by using public office or agency facilities to promote a ballot proposition. (EY '21; Feb '21)

**Case #85424****Respondent name:** South Kitsap School District**Complainant name:** Larry Mann, and Robert Parker

- Allegation: Alleged violation of RCW 42.17A.555 by using public office or agency facilities to publish five mailers promoting a ballot proposition
- Allegation Two: Alleged violation of RCW 42.17A.555 by using public office or agency facilities (school buses) to promote a ballot proposition

**Status:** Assessment of Facts**Date opened:** 02/09/2021**Area of Law:** RCW 42.17A.555**▼ Case Documents** [85424 So Kitsap School District Complaint.pdf](#) [85424 So Kitsap School District Complaint \(2\).pdf](#)

**Respondent Names**

Gerry Austin & South Kitsap School District

**Complainant Name**

Larry Mann

**Complaint Description**

[Larry Mann](#)

reported via the portal (Wed, 3 Feb 2021 at 8:59 PM)

I was unable to complete my submission without assistance from my neighbors. I will try to send email to respond to Mr. Austin's recent complaint against me. I did address his allegations in the attached PDF that is my entire complaint.

L Mann PDC Complaint on SSKS 02-01-21 Ver 3 - Copy.pdf  
1.19 MB

[Larry Mann](#) replied (Wed, 3 Feb 2021 at 10:01 PM)

To: "PDC Support" [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Ref #84488

I am extremely confused. I was told you did not get my response to the case noted. I would like to respond to that case at this time once again as simply as I can.

Austin is doing everything he can to silence current opposition to a school levy. He has entirely too many complaints against his group already to be accusing me. He started out accusing another person or two about these campaign signs. He then accused me of putting them out because I have defeated the district's last three bonds.

I will state this as simply as I can about Austin's complaint against me. I have not in the past put out school opposition signs, have not done any today, nor do I plan to put any out in the future, thus, there is absolutely no reason that requires me to register with the PDC to report collected funds.

The second part of my letter is this. I filed a complaint against Austin and was notified PDC could not open any of the document or photos. My system it appears can send email to the PDC but nothing else. With that said I went to my friends house tonight, he assisted, and I sent my complaint again in hopes it reaches you. It is 10 pages including photos.

Again I request that you acknowledge receipt of my document et al.

Thank you,

**What impact does the alleged violation(s) have on the public?**

Please see attached PDF File

**List of attached evidence or contact information where evidence may be found**

All of the evidence is within the attached PDF file

**List of potential witnesses with contact information to reach them**

All witnesses are within my complaint in the attached PDF file

**Certification (Complainant)**

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

**Complainant Name:**

From: Larry L. Mann

**Complaint:**

**Complaints based upon violation(s) of one or more of the following Revised Codes of Washington:**

**RCW 42.17A.205, .235** failure to timely and accurately disclose contributions and expenditures  
**RCW 42.17A.240** for failure to report and/or sufficiently describe expenditures & debt supporting a ballot proposition & identify a contributor.

**RCW 42.17A.405** for accepting contributions that exceed the contribution limitations.

**RCW 42.17A.445** for misuse of campaign funds

**RCW 42.17A.240, .260 & .305** for failure to timely report & sufficiently describe independent expenditures & electioneering communications undertaken during election years 2020-2021.

**RCW 29A.84.040** Political advertising, removing or defacing.

**Complaint(s) Descriptions:**

There are four distinct areas that this complaint addresses: First, the signs that the South Kitsap School Supporters (SKSS) has placed. Second, Mr. Austin and the SKSS have vastly understated the costs of their signs. Third, Mr. Austin and SKSS have used improper influence to have the district support their PAC. Fourth, Mr. Austin and SKSS, together with the district, are financing flyers with public funds.

**History of the Group for the Record.**

The YES4SK organization has had numerous Public Disclosure Complaints (PDC) in the past over their bond and levy election tactics. YES4SK posted an illegal banner across the entire width of Bay Street in downtown Port Orchard (a PDC complaint Filed). SK board president Chris Lemke, at that time, requested and directed the Port Orchard City Council to install the banner, and board President Lemke paid to have the banner installed (a PDC complaint filed). The Port Orchard City Council ordered South Kitsap Fire and Rescue to hang the banner using county employees and equipment to install the banner. This is work completely outside of the SKFR job description (a PDC complaint filed).



YES4SK had change jars around in stores collecting cash (change) from customer sales and these funds were not reported to PDC as required (a PDC complaint was filed). The leader of the group Tiffany Wilhelm' had daughter Caitlyn signing students up to vote during school hours, wearing a red T-shirt promoting students to vote "yes" in the coming election, including students not old enough to vote when they registered (a PDC complaint was filed). While YesWeCanSK group was operational there was no record at PDC of them being registered and how much money they had colleted for the SK ballot issue(s).



The City of Port Orchard ordered its employees to remove any signs posted along roadways that opposed SKSD bonds and levies (a PDC complaint filed). Then YES4SK changed name to #YesWeCanSK and did in fact exist as the picture below illustrates.



## Current History.

The group has now assumed a new name to hide those previous PDC complaints from the public. Specifically, they are now known as South Kitsap School Supporters (SKSS) and they are still under the leadership of Tiffany Wilhelm and Gerry Austin. They are composed of mainly teachers, school staff, and professional people. Unlike a state or national election where most vote but do not receive anything in return, the promotion of levies, bonds, etc. these people will directly profit from these activities (such as pay raises) for the SKSD employees or contracts for the professional people.

For this levy election, the absolute and only goal is to get all opposition signs and knowledge of persons opposing the levy renewal out of the election picture any way they can.

It is documented that SKSS under the leadership of Wilhelm and Austin already has had an issue with PDC over not filing their financial reports in a timely manner as required every month. Now attorney Greg Wall is the Vice Pres. and Gerry Austin is the Treasurer. It is unknown if Greg Wall is acting as both the vice president and also the attorney for the group. This has not been identified to the PDC as of yet.

## First Complaint.

Gerry Austin of SKSS filed a PDC complaint against Citizens Supporting South Kitsap School District (CSSKSD) over signs of levy opposition that were legally posted along public roadways stating quote, "This group has been placing signs in the South Kitsap regions stating "SKSD, NO NEW TAXES, NO BONDS, NO LEVIES" unquote.

Gerry Austin further claims that the Committee Opposing SKSD 2021 Levy is the same as Citizens Supporting South Kitsap Schools. However, it is clear that the Committee Against SKSD 2021 Levy submitted that group's opposition statement against the current levy as is evidenced by the group's opposition statement appearing in the Kitsap County Voters Guide by the chair of this opposition committee. **(Here are two examples of the signs Mr. Austin now accuses me of placing alongside SK roadway)**





As the PDC knows, or should be aware of, this is absolutely legal on public right of ways. To determine otherwise would mean that all people running for elected office are also violating this ridiculous claim by SKSS and Gerry Austin.

It is further alleged by Gerry Austin, “No affiliation or indication of who placed the signs is printed on the signs.” Another moot point by Gerry Austin to discredit CSSKSD as doing something illegal when in fact they are not. As the PDC is aware any private citizen has the right to purchase election signs that meet size requirement, be placed legally on public right of ways, be removed within 10 days after the end of the election. Please note (MAJOR POINT), they do not require a person’s name or group name to be on the sign, and it is absolutely any person’s constitutional right to do so regardless of how badly it upsets Ms Wilhelm and Mr Austin. As I will show later, when you look at the signs placed out by the SKSS, you will see that they too have no identifying information of who has sponsored the signs. So, this is all just submitting a complaint for harassment purposes versus having any validity.



The wording on the green and blues signs pictured above is misleading nobody contrary to Mr Austin’s beliefs but it does cover all bases had the school district opted to change their mind. There are no requirements in the law governing when any person can start posting opposition signs for/against school levies, school bonds, or a second high school. Again, the submission of a complaint just to make some kind of a point.

### **Second Complaint.**

I do raise an allegation at this time concerning the green signs that suddenly disappeared. These signs were around South Kitsap in prominent locations and then in the last week they quickly vanished. What is sad is that they were placed exactly where the opposition signs were but are now gone. Having run three successful bond issues against SKSD rejecting a second high school I’m very aware of sign removal issues. The Kitsap County

The Kitsap County commissioners responded immediately denying they ordered nobody to remove levy signs either for or against the SKSD levy. On 25 January 2021 the Port Orchard City Mayor responded assuring me that absolutely nobody was removing SKSD levy signs. Two out of three groups have responded to my question about opposing levy sign removal. South Kitsap School District (SKSD) school board is the only one that did not respond to my question on the signs.



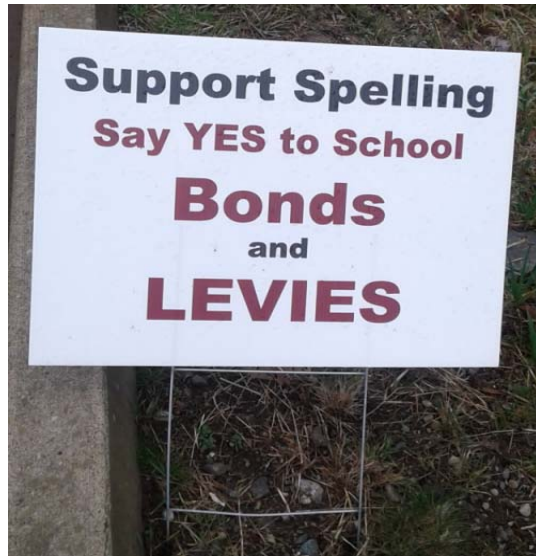
*(example of defaced sign)*

I contend that a refusal to respond when asked about the opposition signs, means that I assume that these groups cannot respond because they did in fact promote the removal of the opposition signs to do nothing but discredit CSSKSD (whom Mr Austin now says they didn't do this but I did) in the eyes of voters. Also to inhibit the possibility of voters becoming aware of how the district is dealing with their tax dollars. It is also theft and destruction of the property of whomever placed the signs out there since they were not left to be reclaimed by them.

As I have also responded to you, I have absolutely no knowledge regarding the placement of the green signs as was alleged by Mr Austin. First, he alleged that the CSSKSD was responsible for them and now he says I was due to asking the Mayor and County Council if they were responsible for their disappearance. Since when is asking a question reason for placing blame on someone. It is time Mr Austin's motives and credibility be questioned. I believe that he is trying to deflect blame onto me and that he is trying to make me look like the one who is responsible for the signs. I believe that he is trying to make me look like the one who is responsible for the signs.



Here is one of the recent signs supporting SKSS alleged to be completely illegal, however, it should be noted that all the words are spelled correctly a rare thing in today's age.



Here is a another recent sign posted by SKSS committee members and illegal by Wilhelm/Austin standards in their complaint with no offense noted from Austin according to his complaint against CSSKSD (or now me). By personal observation these SKSS signs are posted on all major public roads at about 100 to 150 foot intervals inh Kitsap and none on private property as Mr Austin complained to the PDC in his paperwork they have to be.



Additionally, by personal observation there are 1 or 2 of these signs on all 4 corners of all major intersections in South Kitsap. Again, by personal observation in my daily travels around the south end there are actually hundreds of these double sided signs posted by SKSS. By having dealings on four previous SKSD bond defeats, I have some knowledge about the costs of these signs. Go to any website and get the cost of an 18 x 24 inch double sided sign. Since they gave them to local citizens who requested them, I estimate they purchased about 500 signs. It is about \$12 a sign since they appear to be commercially made to include screws and wood and the labor to mount them. Looking at SKSS's filing record with the PDC I note some sign costs but nothing coming close to the cost for the amount of signs that SKSS has posted on the roads. It is very apparent that all donated monies are not being reported to the PDC that is financing this ballot issue.

### **Third Complaint.**

It is known that most members of the SKSS committee are school district employees meaning that many are all donating funds toward this election issue. This is known to you by their C-3 PDC filing. Below is the SKSD Charitable Giving Page and the link that brings those wanting to donate through pay roll deductions directly to the form being used by SKSS to collect donations from employees from SKSD who are pro levy passage voters.

Charitable Giving Link: <https://www.skschools.org/cms/one.aspx?portalId=58490&pageId=159253>

Given that they have so many school employees and professionals, I question if the SKSS list of donors and single contributions from any individuals by name as required either within the school district (employee) or from the outside public is accurate. To be specific, outside public means, known consistent past donors and known long-term Port Orchard businesses that contribute their financial backing. One member of the SKSS committee (Trustee), Jay Rosapepe, a newly appointed member of the newly established Facilities Committee, and also a Port Orchard City Council member. Being a school district employee and also a city council member seems unimportant, however, I contend it is a conflict of interest and insures total support of the city council on any matter that SKSD brings up (refer back to the Bay Street banner). There are many other examples of this to include the PO Chamber of Commerce President, and several other city business owners who rely on the district for business.

### **Fourth Complaint.**

On January 26, 2021 Greg Wall, a school board member who was voted out of office last election, spoke to the Port Orchard City Council asking for their backing on the current levy renewal. Mr Wall, a local attorney, introduced himself as the SKSS Vice President but it appears he is not listed as the VP of SKSS with the PDC. At this same meeting a citizen voiced a factual opinion, actually a true statement, about opposition signs being removed.

Additionally, at this council meeting another fact was raised concerning the approximate cost of \$11,000 per flyer (mailer, including postage) that the district has spent sending all SKSD residents. There have been 5 mailers sent for a total cost of \$55K. As you look at the page (below), you can clearly see the little buttons telling you to vote as well as the section that talks about how critical the levy is. Note that there is no material that seems to give any reason for not voting for the levy. How can this be informational only if it contains no "negative" information? What it is in reality is a push for levy approval. While other districts have been called



## Summary of Complaints.

As stated above, I have four (major) complaints for your consideration.

1. *Mr. Austin is alleging that signs put up by someone (but he has accused CSSKS and now me)* are illegal but in reality the signs placed by his organization are exactly the same.
2. *Mr. Austin and the SSKS have vastly understated the costs of their signs* which appear to easily exceed \$5000. Since their signs are placed exactly where the opposition's signs were, the opposition signs were removed by SKSS supporters which is theft of private property and illegal.
3. *Mr. Austin and SKSS have used improper influence to have the district support their PAC* (isn't it supposed to be the other way around) by having the district make available payroll deduction for employees to contribute to the PAC. Yet, they do not have the same choice for employees to contribute to any other PAC.
4. *Mr. Austin and SKSS, together with the district, are financing flyers with public funds* that go far beyond providing the voters "information only" on the upcoming levy. The cost of the flyers appears to be approximately \$55K and the money is coming from both the District and SKSS but the District is showing it is paying for them. The information in the flyers is obviously biased and a request for voters to approve the levy as evidenced by the numerous "vote" buttons as well as the use of the words "this levy is critical" all through the flyer. There is no mention of why not to vote for the levy which means the flyer is inherently biased and is designed to skirt the law regarding public entities not promoting a levy and using taxpayer funds to do so.

### List of potential witnesses with more information

#### Kitsap County Board of Commissioners

Kitsap County Commissioners [kitsapcommissioners@co.kitsap.wa.us](mailto:kitsapcommissioners@co.kitsap.wa.us)

#### City of Port Orchard Mayor

Port Orchard City Mayor [rputaansuu@cityofportorchard.us](mailto:rputaansuu@cityofportorchard.us)

#### Port Orchard Mayor Pro-Tem

Port Orchard Mayor Pro-Tem Jay Rosapepe [jrosapepe@cityofportorchard.us](mailto:jrosapepe@cityofportorchard.us)

#### City of Port Orchard Council Members

Port Orchard City Council Member Shawn Cucciardi [scucciardi@cityofportorchard.us](mailto:scucciardi@cityofportorchard.us)

Port Orchard City Council Member Bek Ashby [bashby@cityofportorchard.us](mailto:bashby@cityofportorchard.us)

Port Orchard City Council Member Scott Diener [sdiener@cityofportorchard.us](mailto:sdiener@cityofportorchard.us)

Port Orchard City Council Member John Clauson [jclauson@cityofportorchard.us](mailto:jclauson@cityofportorchard.us)

Port Orchard City Council Member Cindy Lucarelli [clucarelli@cityofportorchard.us](mailto:clucarelli@cityofportorchard.us)

Port Orchard City Council Member Fred Chang [fchang@cityofportorchard.us](mailto:fchang@cityofportorchard.us)

**South Kitsap School District Board of Directors**SKSD

SKSD Board President Eric Gattenby [gattenbye@skschools.org](mailto:gattenbye@skschools.org)

SKSD Board Vice President John Berg [berg@skschools.org](mailto:berg@skschools.org)

SKSD Board Director Jeff Daily [daily@skschools.org](mailto:daily@skschools.org)

SKSD Board Director Rebecca Diehl [diehl@skschools.org](mailto:diehl@skschools.org)

SKSD Board Director Liz Sebren [sebren@skschools.org](mailto:sebren@skschools.org)

**South Kitsap School Supporters Administration/Officers**

SKSS President Tiffany Wilhelm [sksslevy@gmail.com](mailto:sksslevy@gmail.com)

SKSS Vice President Gregory Wall [gregwall@gjwlaw.com](mailto:gregwall@gjwlaw.com)

SKSS Treasurer Gerry Austin [sksslevy@gmail.com](mailto:sksslevy@gmail.com)

**South Kitsap Education Association President**

SKEA President John Richardson [president@southkitsapea.org](mailto:president@southkitsapea.org)

**I Larry Mann, certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.**

**Larry Mann**

**February 02, 2021 Phone: 1-360-917-6320**