




Regulating Candidates, Campaigns, and Lobbyists

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Browse  Print this page

[Home](#) > [Browse](#) > [Enforcement Cases](#) > Citizen's Supporting South Kitsap Schools: Alleged Violation of RCW 42.17A.205, .235, .240 for failure to timely register (PDC Form C-1pc), failure to timely report contributions, in-kind, expenditures, loans and debts (PDC Forms C-3 & C-4)(EY21, Dec20)

## Citizen's Supporting South Kitsap Schools: Alleged Violation of RCW 42.17A.205, .235, .240 for failure to timely register (PDC Form C-1pc), failure to timely report contributions, in-kind, expenditures, loans and debts (PDC Forms C-3 & C-4)(EY21, Dec20)

Case #82098

**Respondent name:** Citizen's Supporting South Kitsap Schools

**Complainant name:** Gerry Austin





- Allegation One: Violation of RCW 42.17A.205 for failure to timely register (PDC Form C-1pc)
- Allegation Two: Violation of RCW 42.17A.235, .240 for failure to timely report contributions, in-kind, expenditures, loans and debts (PDC Forms C-3 & C-4)

**Disposition:** Case Closed with No Evidence of Violations (Resolved 03/01/2021)

**Date opened:** 12/18/2020

**Area of Law:** RCW 42.17A.205, RCW 42.17A.235, RCW 42.17A.240

### ▼ Case Documents

-  [82098 Citizens Supporting South Kitsap SD Complaint.pdf](#)
-  [82098 Cit Supporting South Kitsap SD Response.pdf](#)
-  [82098 CaseClosure Respondent.pdf](#)
-  [82098 CaseClosure Complainant.pdf](#)

**Respondent Name**

Citizens Supporting South Kitsap School District

**Complainant Name**

Gerry Austin

**Complaint Description**

[Gerry and Cammy](#) (Sun, 13 Dec 2020 at 12:03 PM)

The organization "Citizens Supporting South Kitsap Schools" has established themselves as the Committee Against the Feb 2021 SKSD Levy and had made expenditures to influence the election through placement of signs, without registering, as required by Washington State Law. Mr. Jeff Daily, a current SKSD director, and Mr. David Kimball, have previously made public statements indicating their involvement with this organization.

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

The organization "Citizens who support South Kitsap Schools" is maintaining a website <https://citizenssupportingsouthkitsapschooldistrict.com/index.html> against the February 2021 South Kitsap School District Levy. Additionally, this group has been placing signs in the South Kitsap regions stating "SKSD, NO NEW TAXES, NO BONDS, NO LEVIES" misleading voters on two counts; 1) No bonds are proposed on the Feb 2021 ballot, and 2) the Levy is being renewed at the current rate, thus it is not a 'new tax'. Prior to these signs being placed, this organization placed a different set of similar signs in the region in July 2020, well in advance of even discussions of Levy renewal by the School Board, opposing all future ballot measures. No affiliation or indication of who placed the signs is printed on the signs. Total quantity of signs placed is estimated to be 50-100 in total, placed in public right of way, not solely on private property, indicating expenditures well above reporting thresholds for the purpose of influencing the 2021 Levy election.

This group represents themselves as "The Committee against the SKSD 2021 Levy" on their website, yet is not registered with the PDC, and is maintaining an anonymous presence, masking the identify of individuals involved while making expenditures. WHOIS Domain registry search information shows "redacted for privacy" and is registered through a Dutch Web Domain Registrar.

Additionally, this group, which has existed for at least 18 months, has previously used false names, posting under the name "Jim Johnson" on Facebook public forums, who is not a real person.

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

Contact information on website does not work, no phone listed, only publicly available e-mail address is [cssksch@gmail.com](mailto:cssksch@gmail.com).

<https://citizenssupportingsouthkitsapschooldistrict.com/index.html>

Mr. David Kimball identified himself as affiliated with this group on April 2, 2020 via a letter to the Kitsap Sun. <https://www.kitsapsun.com/story/opinion/readers/2020/04/02/south-kitsap-board-avoiding-our-questions/5115792002/>

The Kitsap sun reported Nov 5th, 2019 that Mr. Jeff Daily, currently a SKSD Director, was involved with this group <https://www.kitsapsun.com/story/news/local/2019/11/05/most-incumbents-prevail-kitsap-school-board-races/4172892002/>

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

Both Mr. Jeff Daily, a current SKSD director, and Mr. David Kimball, a frequent participant in public meetings, have referenced and indicated support for this organization, and have submitted letters on this groups behalf to Superintendent Tim Winter, which have been discussed during public meeting. Mr. Daily's campaign page from two years ago used identical stock images and a page design similar to the page and Facebook group used by Citizens Supporting South Kitsap Schools at the time, which was launched in parallel with Mr. Daily's campaign for school board. This indicates a strong likelihood that he is highly involved and engaged with this group, and not just a participant. While his campaign page is no longer active, and archived version of his previous campaign page is viewable through the internet archive, archive.org.

<https://web.archive.org/web/20200808113944/http://www.electjeffdailyforsksbdistrict5.com/>

Potential witnesses with more information are;

Superintendent Tim Winter, SKSD - 360-874-7000

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

John Richardson, SKEA President - 360-871-4149

#### **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.

From: David A. Kimble, Member of CSSKS

To: Ms. Tabitha Townsend, PDC Compliance Coordinator

Subj: Reply to claims CSSKS is not in compliance with RCW 42.16 A.205, .235 and .240.

Dear Tabitha,

Thank you for providing the PDC toolkit link/matrix to help in determining if CSSKS is, or is not a PAC. Based on my reading of these, it is my opinion that CSSKS is not a PAC and therefore has no reporting requirements per PDC rules and regulations.

Here are responses to the entire set of SSKS allegations received from you on 12-18-20.

- The Committee Against the SKSD 2021 Levy does not have a website so Citizens Supporting South Kitsap School offered to post their information on our website.
- Their webpage will be taken down by Citizens Supporting South Kitsap Schools at the end of this ballot election.
- We were informed that the Committee submitted the opposition statement to Kitsap County Elections Division.
- The only expenditures I have made have been to keep the domain named Citizens Supporting South Kitsap Schools active. It was established in late 2018.
- Our group has not authorized the purchase or placement of any signs.
- Our group has never accepted or solicited any monies since being established.
- Mr. Daily had been involved with the Citizens group from the very start, and has Publicly stated his opposition to the SKSD 2021 Levy.

Sincerely,



David A. Kimble, for:

Citizens Supporting South Kitsap Schools

*(CSSKS has no affiliations with SSKS)*

*Encl (1)*

*Elements of SSKS PDC Complaint*



State of Washington  
**PUBLIC DISCLOSURE COMMISSION**  
711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
(360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

March 1, 2021

Delivered electronically to "millsaustin@wavecable.com"

Subject: Complaint regarding Citizens Supporting South Kitsap Schools, PDC Case 82098

Dear Gerry Austin:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on December 13, 2020. Your complaint alleged Citizens Supporting South Kitsap Schools, a group created by Dave Kimball, may have violated RCW 42.17A.205, .235, and .240 by failing to timely and accurately register and report as a political committee after establishing themselves as the Committee Against the February 2021 SKSD Levy and making expenditures to oppose the levy through the placement of signs. The complaint alleged Citizens Supporting South Kitsap Schools failed to file a Committee Registration, Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; a response submitted by Dave Kimball; and spoke with Mr. Kimball to determine whether the record supports a finding of one or more violations.

Based on staff's review, we found the following:

- Jim Bryant called himself Committee Against South Kitsap School District 2021 Levy in order to submit the opposition statement in the Kitsap County Voters Pamphlet. Mr. Bryant stated he did not raise or spend any funds concerning the February 9 ballot measure, but acknowledged using Dave Kimball's website at no charge to express his opposition to the levy.
- Mr. Kimball said when he realized Mr. Bryant did not have his own website, he offered use of his website to Mr. Bryant at no cost for two months. Mr. Bryant identified Committee Against South Kitsap School District 2021 Levy as being responsible for the content he posted on the website. Mr. Kimball and Citizens Supporting South Kitsap Schools stopped using the website during the two months Mr. Bryant posted information about the February 9 election.
- Mr. Kimball said the only expenditures he has incurred have been the annual costs to maintain the website. On December 13, 2020, Mr. Kimball paid \$151.87 to One.com for hosting services and

renewal of the domain name for the upcoming year. The value of using the website for two months was approximately \$25. Mr. Kimball said Citizens Supporting South Kitsap Schools has never solicited or accepted any funds.

- Mr. Kimball said Citizens Supporting South Kitsap Schools did not authorize the purchase or placement of any signs opposing the school district's 2021 levy.
- Mr. Kimball confirmed Jeff Daily, a South Kitsap School District Director, has been involved with Citizens Supporting South Kitsap Schools since it was established, and has publicly stated his opposition to the South Kitsap School District 2021 Levy.

Based on these findings, staff has determined, no evidence was found supporting the alleged violation that Citizens Supporting South Kitsap Schools was a political committee required to register and report its activities with the Public Disclosure Commission.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov).

Sincerely,  
*/s Electronically Signed Philip E. Stutzman*  
Phil Stutzman  
Compliance Officer

Endorsed by,  
*/s Electronically Signed Barbara Sandahl*  
Barbara Sandahl  
Deputy Director  
For Peter Lavalley  
Executive Director

cc: Dave Kimball, Citizens Supporting South Kitsap Schools



State of Washington  
**PUBLIC DISCLOSURE COMMISSION**  
711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
(360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)

March 1, 2021

Delivered electronically to "jndkimble@wavecable.com"

Subject: PDC Case 82098

Dear Citizen's Supporting South Kitsap Schools, c/o Dave Kimball:

Included with this letter is a copy of an electronic letter sent to Gerry Austin concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Gerry Austin, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

If you have questions, you may contact Phil Stutzman at 360-664-8853 toll-free at 1-877-601-2828, or by e-mail [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

*/s Electronically Signed Philip E. Stutzman*  
Phil Stutzman  
Compliance Officer

Endorsed by,

*/s Electronically Signed Barbara Sandahl*  
Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director

Enclosure: Case Closure Letter to Gerry Austin, Complainant