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Committee Against South Kitsap SD 2021 Levy: Alleged Violation of RCW 42.17A.205, .235 and .240 for failure to timely register as a committee; failure to timely and accurately disclose in-kind contributions, contributions and expenditures

Case #84478

Respondent name: Committee Against South Kitsap SD 2021 Levy

Complainant name: Gerry Austin





- Allegation One: Violation of RCW 42.17A.205 for failure to timely register as a committee
- Allegation Two: Violation of RCW 42.17A.235 and .240 for failure to timely and accurately disclose in-kind contributions, contributions and expenditures

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

Date opened: 01/29/2021

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

▼ Case Documents

-  [84478 Committee Against South Kitsap SD 2021 Levy Complaint.pdf](#)
-  [84478 Jim Bryant Response to Complaint.pdf](#)
-  [84478 CaseClosure Respondent.pdf](#)
-  [84478 CaseClosure Complainant.pdf](#)

Respondent Name
Committee Against South Kitsap SD 2021 Levy
Complainant Name
Gerry Austin
Complaint Description
<p><u>Gerry and Cammy</u> (Sun, 24 Jan 2021 at 10:50 AM)</p> <p>The committee against SKSD 2021 Levy has received unreported in-kind contributions, defined by 42.17A.005(15), in the form of a webpage at https://citizenssupportingsouthkitsapschooldistrict.com/. Mr. David Kimball attested to these facts in his response to PDC complaint 82098.</p>
What impact does the alleged violation(s) have on the public?
<p>The committee against SKSD 2021 Levy has received unreported in-kind contributions, defined by 42.17A.005(15), in the form of a webpage at https://citizenssupportingsouthkitsapschooldistrict.com/. Mr. David Kimball attested to these facts in his response to PDC complaint 82098.</p> <p>Additionally, aside from Mr. Kimball's response to complaint 82098, there is not information on this webpage or otherwise available to indicate who is hosting the webpage and making expenditures on his behalf, constituting concealment or contributors. A typical cost to host a website is approximately \$100 per year, beyond the \$25 limit for disclosure.</p> <p>Mr. Bryant has not registered or filed any statements with the PDC disclosing this contribution. This impacts the public considerably, as the sources of contributions are unknown.</p>
List of attached evidence or contact information where evidence may be found
The rebuttal for the argument against the levy is contained in the Kitsap County voters guide on page 7. This rebuttal lists this website as a contact for the Committee against the SKSD 2021 Levy.
List of potential witnesses with contact information to reach them
None.
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.

Rebuttal to the Argument For

Programs like AP, Sports, extra nurses, and choir are basic education items already paid with non-levy dollars. Student enrichment activities or programs doesn't include 185 additional employees, social & emotional advisors, webmasters, or roving security patrols. Should we pay 85% for salaries, pay raises and perks with our levy dollars while student achievements scores keep falling? Math now at 27% - language arts at 68%. SKSD claims special expenditures help our students to succeed. How?

Argument prepared by Chairperson Jim Bryant; Committee Against SKSD 2021 Levy. To contact the committee, email NoSKSDlevy2021@gmail.com. or go to <https://citizenssupportingsouthkitsapschooldistrict.com>.

e content of arguments or their factual and grammatical accuracy. **7**

Jim Bryant Replied

15 days ago (February 4, 2021)

To: "PDC Support" <pdcc@pdcc.wa.gov>

Here's the information you requested.

Cheers,

Jim Bryant

nosksdlevy2021@gmail.com

Has there been any contributions received in cash for the committee.

Answer: No cash contributions were received by The Committee against SKSD Levy only two months web hoisting on the CSSKS website.

Has there been any items received from in-kind services for the committee.

Answer: Dave Kimble let me have two months posting time on his CSSKS webpage.

Has there been time received as a contribution for the committee.

Answer: No, none received by The Committee against SKSD Levy whatsoever.

How much has been received in contributions by the committee.

Answer: The Committee against SKSD Levy only received two months of web page posting time on CSSKS Website that was worth less than \$25.

When were the contributions received by the committee.

Answer: Only hoisting my webpage The Committee against SKSD Levy on the CSSKS Website from November 30, 2020 - January 30th, 2021.

How much in items has been received in contributions by the committee.

Answer: About two months, a fraction of time to have my webpage The Committee against SKSD Levy webpage on the CSSKS Website.

When were the items received in contributions to the committee received.

Answer: Only web hoisting for The Committee against SKSD Levy from November 30, 2020 - January 30, 2021 until I removed the page from Dave Kimble's CSSKS Website.

How much in contributions has the committee received as in-kind services.

Answer: Not even \$25 of two months hosting time on CSSKS Website.

When were the in-kind contributions to the committee received.

Answer: Only two months from November 30, 2020 - January 30, 2021.

How much time has been received as contributions for the committee and from whom.

Answer: About 61 days of hosting time for The Committee against SKSD Levy on the CSSKS

Answer: About 61 days of hosting time for The Committee against SKSD Levy on the CSSKS Website.

How much money as been received as contributions for the committee and from whom.

Answer: No money, cash, or funds were received vy The Committee against SKSD Levy.

How much in kind contributions of time were received for the committee and from whom.

Answer: CSSKS allowed The Committee against SKSD Levy 61 days of time to hoist ny webpage, The Committee against SKSD Levy on CSSKS website.

When were the contributions of time received by the committee, how much time was contributed and from whom.

Answer: The Committee against SKSD Levy webpage was up and running from November 30 2020- January 30, 2021, about 61 days of time for a webpage. CSSK donated 61 days of time on their CSSKS website for The Committee against SKSD Levy webpage.

When were the contributions of money received by the committee, how much time was contributed and from whom.

Answer: The Committee against SKSD Levy never received any money, never solicited for any money, never accepted nor were offered any money by anyone, any association or any group. As previously answered in the above answers, The Committee against SKSD Levy was donated 61 days of time to have their webpage hoisted on the CSSKS website.

Who contributed time to the committee, how much time was contributed and when.

Answer: CSSKS contributed only web hoisted my The Committee against SKSD Levy online webpage time from November 30, 2020 - January 30, 2021, I Jim Bryant, produced and maintained all the web designs and unloading into to the The Committee against SKSD Levy webpage.

Who contributed in-kind services to the committee, how much in-kind services were contributed and when.

Answer: CSSKS's in kind services were only for 61 days for The Committee against SKSD Levy to hoist my webpage from November 30, 2020 - January 30, 2021.

For the efforts for of the committee against SKSD 2021 Levy what expenditures have been made by the committee, who where the expenditures from.

Answer: There were no expenditures money toward the levy were made by The Committee against SKSD Levy. Efforts were casual postings by me, Jim Bryant chairman on Face Book and webpage on the CSSKS website by the only member of the opposition committee, Jim Bryant, I maintained the The Committee against SKSD Levy.

Additional Answer: The committee chairman, me, Jim Bryant was the only member of the opposition committee. As chairman, I wrote and submitted the opposition statement against the SKSD 2021 Levy that was published online in the County Elections Guide for this election. As the Chairman, Jim Bryant, I had to call myself a committee in order to submit the opposition statement to the 2021 Levy.

What expenditures have been made by other persons for the committee, how much were the expenditures, who were the expenditures from.

Answer: CSSKS has a website and gave the opposition Jim Bryant, chairman, only 61 days of time to have the chairman's webpage online on the Citizens Supporting South Kitsap Schools website. The time given by CSSKS for the 61 days of webpage time is less than \$25 when considering the amount of time The Committee against SKSD Levy webpage was online and the total cost of the website hosting and domain costs for a full 12 months hosting for their website almost three years.

What expenditures have been made by other entities for the committee, how much were the expenditures, who were the expenditures from.

Answer: CSSKS only, they donated 61 days of time for The Committee against SKSD Levy to have a webpage on the CSSKS website. The value of the time for the webpage to be hoisted on the CSSKS website is less than \$25 given that the cost of the domain and website for the CSSKS domain and hosting is calculated over a 12 month period.

What activities were started by any member for efforts of the committee.

Answer: I'm The Committee against SKSD Levy chairman, and posted info on both Face Book and CSSKS website in form of a donated webpage space for 61 days. I, The chairman, posted information about the levy and the school district on Face Book, and on the webpage. The Committee against SKSD Levy that maintained on the CSSKS website only for the SKSD 2021 Levy.

What activities were started by group members for efforts of the committee.

Answer: There are no other committee members, only me, Jim Bryant, who is the chairman of The Committee against SKSD Levy . Again, statements against the levy could not be accepted or printed unless the chairman of the committee called himself a committee against the levy.

What activities were done to help the committee.

Answer: The statement against the levy written by me, Jim Bryant, chairman, wrote the statement against and rebuttal against submitted to Kitsap County Elections Division and Kitsap County Elections Division that published the statement against and the rebuttal statement submitted by the Jim Bryant, The Committee against SKSD Levy chairman of the against in the Kitsap County Voter's Election Guide that was only put online by the County, as there was no paper printed guide sent to voters. Face Book, posting information about the levy and school district on donated webpages pace for 61 days total time were the only activities done by the chairman to 'help' the committee.

Who did the activities to help the committee.

Answer: CSSKS donated 61 days of time to have The Committee against SKSD Levy webpage posted on the CSSKS website. I, Jim Bryant, The Committee against SKSD Levy chairman wrote the opposition statement and the rebuttal statement that appeared in the Kitsap County Online Voter's Guide for SKSD levy ballot measure.)

When were the activities done to help the committee.

Answer: All ballot measure activities were conducted between November 30, 2020 and ended on January 30, 2021. I removed The Committee against SKSD Levy webpage off the CSSKS website on January 30, 2021.

Jim Bryant
phojjim@me.com



State of Washington
PUBLIC DISCLOSURE COMMISSION
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March 1, 2021

Delivered electronically to Nosksdlevy2021@gmail.com; phojjim@gmail.com

Subject: PDC Case 84478

Dear Jim Bryant - Committee Against South Kitsap SD 2021 Levy:

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.

Please note, there is a need to register as a political committee when accepting contributions, including in-kind contributions, regardless of the size of the contributions, to support or oppose a candidate or ballot proposition. Political Committees that accept no more than \$5,000, and accept no more than \$500 from any one contributor, qualify for the Mini Reporting Option which does not require reporting beyond the registration statement. Also, an individual spending \$100 or more of the individual's own funds to support or oppose a candidate or ballot proposition may file a report of independent expenditures (Form C-6) rather than register as a political committee.

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@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 Lavallee
Executive Director
Enclosure: Case Closure Letter to Gerry Austin, Complainant



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
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March 1, 2021

Delivered electronically to "millsaustin@wavecable.com"

Subject: Complaint regarding Jim Bryant - Committee Against SKSD 2021 Levy, PDC Case 84478

Dear Gerry Austin:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on January 24, 2021. Your complaint alleged Jim Bryant - Committee Against South Kitsap School District 2021 Levy may have violated RCW 42.17A.205 by failing to timely register as a political committee; and RCW 42.17A.235 and .240 by failing to timely and accurately disclose contributions received and expenditures made after accepting an in-kind contribution from Dave Kimball for the use of Mr. Kimball's Citizens Supporting South Kitsap Schools website.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; and a response provided by Mr. Bryant - Committee against SKSD 2021 Levy. Staff also spoke with Mr. Bryant, and with Dave Kimball. Staff made its inquiries 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 qualify to write the opposition statement in the Kitsap County Voters Pamphlet. Mr. Bryant stated he did not raise or spend any funds concerning his opposition to the February 9, 2021 ballot measure, but acknowledged receiving access, at no charge, to Mr. Kimball's website to express his opposition to the levy.
- Mr. Kimball said when he realized Mr. Bryant did not have his own website, he offered Mr. Bryant access to the website of Citizens Supporting South Kitsap Schools, at no charge, for two months. Mr. Bryant identified Committee Against South Kitsap School District 2021 Levy as the sponsor of the newly posted material.
- 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.

- Mr. Bryant said he used Mr. Kimball's website for 61 days, from November 30, 2020 to January 30, 2021, and said the in-kind value of using the website for two months was less than \$25. Mr. Bryant said he produced the website content, and did not receive in-kind contributions for content development. Mr. Bryant confirmed he did not solicit or receive contributions or make expenditures, other than the in-kind contribution from Mr. Kimball for use of Mr. Kimball's website.
- Staff is not aware of previous warnings/violations by the Respondent concerning PDC requirements.

Based on these findings, staff has determined that in this instance, the failure to timely register and report as a political committee opposing Proposition 1, a ballot measure placed on the February 9, 2021 ballot by the South Kitsap School District, does not amount to a violation warranting further investigation.

PDC staff will bring to Mr. Bryant's attention the need to register as a political committee when accepting contributions, including in-kind contributions, regardless of the size of the contributions, to support or oppose a candidate or a ballot proposition. Staff will also make Mr. Bryant aware of the independent expenditure reporting requirements when services are purchased rather than accepted as in-kind contributions.

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 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 Lavalley
Executive Director

cc: Jim Bryant - Committee Against SKSD 2021 Levy