

3 articles on Ladenburg's PDC violations

Ladenburg won't face penalty

State dismisses complaints that county exec misspent public money. In a case involving campaign mailers and tax money, state regulators warn - but dismiss complaints against - Pierce County Executive John Ladenburg.

[SOUTH SOUND Edition]

The News Tribune - Tacoma, Wash.

Author: AARON CORVIN

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The state's campaign finance watchdog on Thursday dismissed complaints that Pierce County Executive John Ladenburg misused public money to promote a proposed tax increase.

But the Public Disclosure Commission's staff also warned Ladenburg, saying there is evidence he broke state law by targeting thousands of voters with two mailers that failed to fairly and objectively present the facts about a proposed sales tax increase for more public safety services on the November 2003 ballot. The tax measure failed.

If Ladenburg "engages in similar actions in the future, enforcement action will likely be taken," according to PDC Executive Director Vicki Rippie in a March 24 letter approved by the commission Thursday.

Ladenburg said the PDC's case was unfair because the agency turned him down when he asked for advice about the mailers.

If the PDC had decided to pursue the case against him, Ladenburg said, "I still don't think . . . they would have found we violated the statute."

In dismissing the complaints, the commission accepted the staff's view that Ladenburg's actions occurred when the PDC was unable to enforce the law or advise Ladenburg about the content of the mailers because of a legal matter. That legal matter involved a review by the state Supreme Court of a challenge to the PDC's interpretation of the law for school districts.

"One of the main issues was that Ladenburg and the county asked for some guidance in terms of their activity," said PDC spokesman Doug Ellis. "We were under a court order to not provide guidance, so we didn't."

The PDC launched an investigation of the complaints against Ladenburg in March 2004, after the state Supreme Court issued a decision allowing the PDC to again enforce the ban on using tax money for campaigning.

Gig Harbor resident Don Veal, one of three citizens who filed complaints against Ladenburg, said the PDC's action Thursday "stinks."

He wondered why the PDC bothered to launch the investigation if it wasn't going to enforce state law.

"They completed the investigation, took a fair amount of time and said 'You're guilty,' " Veal said. "It just smells bad."

PDC investigators issued a report last November that said Ladenburg violated state law and that the "mailers were produced and mailed at a significant cost to Pierce County, \$55,060, not including staff time."

Ladenburg authorized the mailers, and his public relations director, Ron Klein, wrote them.

The mailers never said vote yes or no. But they included "inflammatory" language, according to PDC investigators, and were targeted to registered voters who had voted in two of the last four elections. By emphasizing violent and serious felony crimes, the first mailer "has a look and feel that evokes fear," according to the PDC staff report.

Staff investigators recommended that the commission refer the matter to the Attorney General's Office, which can pursue tougher penalties. Instead, the PDC opted to hold an enforcement hearing.

On Thursday, the commission reconsidered the enforcement hearing and voted 3-0 to dismiss the complaints against Ladenburg. Proposition 1 lost in November 2003, with 59 percent of voters rejecting it.

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Old watchdogs have picked up bad new tricks

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Author: Peter Callaghan

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No one should refer to the state Public Disclosure Commission as a watchdog anymore.

That honorable moniker was surrendered by the commission last Thursday when it allowed overly cautious government lawyers to persuade it to ignore two of the most blatant violations of campaign law in the commission's 30-year history.

Off the hook are Pierce County Executive John Ladenburg and King County Library System Director Bill Ptacek. Both improperly used public resources to promote tax measures.

But when it came time to sanction the violators, the commission dredged up a long-discredited excuse - that a judge had told the PDC not to enforce the ban on using public resources for campaigning or even give advice on what it means. To hear the staff and commissioners tell it, they couldn't help it; a judge had ordered them to be wimps.

Not true. An overreaction by PDC attorneys caused the agency to stand down and stop enforcing the ban. It even announced that it was standing down, in essence giving elected officials and bureaucrats a free pass.

Watchdogs are supposed to bark, not lead the burglar to the jewelry.

Here's what happened: In 2001, the PDC updated its guidelines for public school employees. Among other things, the guidelines said employees could distribute campaign materials only in staff lunchrooms and breakrooms, not classrooms or public spaces. The PDC also said school mailboxes or e-mail could not be used to distribute campaign materials.

The Washington Education Association sued, claiming the rules were too broad and could lead to violations of free speech and association rights. King County Judge Richard McDermott agreed and ordered the PDC to stop distributing and enforcing the guidelines.

McDermott did not say that teachers were free to distribute brochures in their classrooms or hold rallies in the auditorium. He just said if teachers can use mail slots or e-mail for non-political communication, they can use them for political conversations as well.

He didn't say anything about the underlying law against using public resources for campaigning. His order did not tell the PDC to stop enforcing or giving advice on that law. Yet that was how PDC lawyers interpreted - or misinterpreted - his order.

More than 30 complaints about government use of tax dollars to promote campaigns for candidates or ballot issues were ignored.

Government can produce and distribute neutral and informative materials on ballot measures. But Pierce County mailed out materials that looked and sounded like promotional brochures for a 2003 tax increase for criminal justice services. They were mailed only to voters who were most likely to vote in that election - a common campaign tactic.

The PDC decided that even though there is evidence Ladenburg broke the law, he'll be let off because he called and asked for advice when the PDC staff claims it was blocked from giving it.

As odd as this decision is, at least it is consistent in its illogic. Not so in the case involving the King County library bonds. The district staff produced a series of materials that were not balanced and seemed to promote passage of a bond levy.

Yet even though the district didn't ask for advice from the PDC, and even though the election was held nine months after the state Supreme Court had lifted McDermott's order, it too was given a pass because the campaign was planned while the court order was in effect.

Still, Pierce County gets special mention for playing the PDC law to full advantage. At the same time that it was ignoring the ban, the county was using it to silence critics of the tax increase who tried to speak against it at public meetings.

It was OK to spend \$55,060 in tax dollars to say Prop. 1 was needed, but it wasn't OK to use a public microphone at a public meeting to say it wasn't.

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Close call for Ladenburg on PDC allegations

Accused of election-law violations, the Pierce County executive got off on a technicality he should have known better.

[SOUTH SOUND Edition]

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Pierce County Executive John Ladenburg dodged a bullet from the state Public Disclosure Commission.

He only got nicked with a warning when the commission could easily have plugged him right in the chest for illegally using public resources for a ballot campaign.

Presumably Ladenburg and his communications chief, Ron Klein, have learned that it's dangerous to skirt the rules limiting what governments and public agencies can do in "informational" campaigns for ballot measures.

They'd be foolish to try it again, having escaped only on a flimsy technicality after the PDC staff recommended action on what it considered "multiple" violations. But it doesn't look like the commission, for its part, fully grasps its role in policing campaign-law violations.

Anyone active in public life in this state understands that public officials may distribute only strictly informational materials regarding their tax proposals. The practice is routine in school levy elections. Most school officials are careful about not crossing from factual to promotional. It only takes a cursory look to see trouble in the two supposedly neutral postcards Pierce County sent, at a cost of \$60,000, to so-called "likely voters" in the fall of 2003.

The postcards contained urgent-sounding language clearly meant to help make the case for a sales-tax increase to pay for more sheriff's deputies, jailers, judges and prosecutors. Ladenburg approved the mailings after they were reviewed and tweaked by Klein, who said he did the work on his own time.

At least one council member had questioned whether the mailings, as worded, were appropriate.

Ladenburg's defense was that county staff had asked the PDC for advice and received none. This was during a period when the commission, for reasons too silly to explain here, thought it couldn't legally provide review of campaign materials.

Amazingly enough, the commission bought the argument and let Ladenburg off with a warning not to do it again. The commission did even worse in another case involving the Seattle Public Library, letting that agency off the hook even though library officials actually could have obtained PDC review of their election materials.

Ladenburg, a former county prosecutor, is Pierce County's most powerful politician. He is, in most respects, a strong and capable leader. In this case, however, he was guilty of bad judgment, and using a legalistic argument to escape the consequences does not add luster to his reputation.

Credit: The News Tribune