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NO. 98989-3

SUPREME COURT OF THE STATE OF WASHINGTON

FREEDOM FOUNDATION,

Petitioner

v.

BETHEL SCHOOL DISTRICT, and the
WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION,

Respondents.

ANSWER TO PETITION FOR REVIEW

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I. INTRODUCTION

The Washington State Public Disclosure Commission (Commission) exercised its discretion to dismiss a complaint filed by the Appellant Freedom Foundation against the Bethel School District. Freedom Foundation now seeks reversal of the dismissal by bringing two actions (consolidated here), on untenable legal grounds.

Freedom Foundation alleged that Bethel School District violated the Fair Campaign Practices Act (FCPA), RCW 42.17A, by withholding from wages, upon written request of its employees, contributions to political committees. The Commission dismissed that complaint because the District's withholding of wages is explicitly authorized in statute. Dissatisfied with this result, Freedom Foundation filed a citizen action in the name of the state against Bethel School District, and simultaneously sought judicial review under the Administrative Procedure Act (APA), RCW 34.05. Both actions were properly dismissed by the superior court. Neither a citizen action under the FCPA, nor a petition for judicial review under the APA, is supported by law.

The Legislature has precluded Freedom Foundation's citizen action pursuant to the plain language of the FCPA, which prohibits such actions where the Commission has timely dismissed a citizen's underlying complaint. Freedom Foundation also lacks standing to seek judicial review

under the APA, as it has failed to meet its burden of showing any particularized injury.

Freedom Foundation seeks this Court's review by reasserting its unsuccessful arguments before the Court of Appeals. The Court of Appeals applied well-settled legal principles, and its decision does not conflict with precedent or present an issue of substantial public interest. Because Freedom Foundation's Petition for Discretionary Review does not meet the criteria in RAP 13.4(b), review should be denied.

II. COUNTERSTATEMENT OF THE ISSUES

1. Does the plain language of the FCPA preclude a citizen action where the Commission dismisses a complaint?

2. Did the superior court properly dismiss Freedom Foundation's petition for judicial review where Freedom Foundation lacks standing under the APA, having suffered no injury-in-fact?

III. COUNTERSTATEMENT OF THE CASE

A. Factual Statement

The Commission received a complaint from Freedom Foundation concerning the Bethel School District in June 2018, along with documentation supporting the complaint. AR 0001-0199.¹ The complaint

¹ "AR" refers to the Certified Administrative Record. "CP" refers to the Thurston County Superior Court's Clerk's Papers.

alleged that the District's use of public facilities to process employee contributions to the Washington Education Association's Political Action Committee (WEA-PAC) and the National Education Association Fund for Children and Public Education (NEA-FCPE) violated RCW 42.17A.555. *Id.* The Commission received the District's response to the complaint. AR 0200-0201. Freedom Foundation then provided the Commission with supplemental information regarding its complaint. AR 0202-0210. The Commission reviewed the documents submitted, assessed the factual and legal arguments, and determined that Freedom Foundation's complaint was without merit because the District's withholding of wages is explicitly authorized in statute. On September 10, 2018, the Commission dismissed the complaint. AR 0211-0213.

B. Procedural History

Following the Commission's dismissal of Freedom Foundation's complaint, Freedom Foundation filed a citizen's action in the name of the state against Bethel School District in Thurston County Superior Court. CP 1-8. The court granted the District's summary judgment motion and dismissed the action. CP 204-211. Freedom Foundation simultaneously filed a second action in Thurston County Superior Court, seeking judicial review under the APA. CP 216-229. The court dismissed the action upon granting the Commission's motion to dismiss and the District's summary

judgment motion. CP 435-444. Freedom Foundation appealed the dismissals of both matters, and the Court of Appeals ordered the appeals consolidated. The Court of Appeals affirmed the dismissals on August 4, 2020. *See Freedom Foundation v. Bethel School District*, 14 Wn. App. 2d 75, 469 P.3d 364 (2020).

IV. FREEDOM FOUNDATION FAILS TO ESTABLISH A BASIS FOR REVIEW

Because Freedom Foundation has failed to meet the standards set forth in RAP 13.4(b), there is no basis for reviewing the Court of Appeals decision. The decision in this case does not conflict with established Court of Appeals or Supreme Court precedent, and does not raise an issue of substantial public interest. Accordingly, the Court should deny review.

A. The FCPA Precludes a Citizen Action Where the Commission Dismisses a Complaint

As a preliminary matter, the FCPA has never vested rights to individual citizens to proceed with a citizen action, unconditionally, based solely on the premise that the government is wrong. A citizen's action is required to be brought in the name of the state, and any judgment awarded escheats to the state. *See RCW 42.17A.775; see also No On I-502 v. Washington NORML*, 193 Wn. App. 368, 373-74, 372 P.3d 160 (2016). Thus, any citizen bringing a citizen action is not acting with respect to their own legal rights or obligations, but rather is "necessarily acting on behalf

of the State, implicating rights that belong to the State.” *No On I-502*, 193 Wn. App. at 373-374. *Id.*

1. The decision is consistent with the plain language of the FCPA and is not contrary to the decision in *Utter v. Building Industry Association*

Pursuant to RCW 42.17A.775, a citizen may not sue in the name of the state if the Commission has taken action on a complaint within 90 days of receipt of that complaint. RCW 42.17A.775(2) states, in pertinent part:

(2) A citizen’s action may be brought and prosecuted only if the person first has filed a complaint with the commission and:

(a) The commission has not taken action authorized under RCW 42.17A.755(1) within ninety days of the complaint being filed with the commission;

(b) For matters referred to the attorney general within ninety days of the commission receiving the complaint, the attorney general has not commenced an action within forty-five days of receiving referral from the commission.

Here, the Commission took action on the complaint within 90 days. RCW 42.17A.755(2)(a). Thus, under the plain language of the statute, Freedom Foundation is precluded from pursuing a citizen action.

Freedom Foundation’s argument here rests entirely on a misapplication of *Utter v. Building Industry Association*, 182 Wn.2d 398, 341 P.3d 953 (2015), a case that analyzed the citizen action process as it existed prior to the 2018 amendments to the FCPA. In 2018, the Legislature adopted Engrossed Substitute H.B. 2938, 65th Leg., Reg. Sess. (Wash. 2018) (ESHB 2938), making numerous amendments to the FCPA,

including significant changes to the citizen action process. *See* Laws of 2018, Reg. Sess., ch. 304 (effective June 7, 2018).² Prior to those changes, this Court held that the FCPA precluded a citizen suit only where the attorney general or local prosecutor brings a suit. *Utter*, 182 Wn.2d 398 at 405.

Utter is not controlling here. In *Utter*, this Court applied a statutory provision that is no longer in effect. In enacting ESHB 2938, the Legislature did not eliminate the ability of citizens to file actions in the name of the state. The Legislature did, however, modify the required prerequisites to be met for such an action to be viable. Freedom Foundation did not meet those new prerequisites here.

While the former statute did not preclude a citizen's action where the state *declined* to sue, the current statute does. *Freedom Foundation*, 469 P.3d at 369 (comparing former RCW 42.17A.765 with RCW 42.17A.775). Citizen actions are now dependent upon the citizen first filing a complaint with the Commission. RCW 42.17A.775(2). Further, the Legislature chose to preclude citizen actions where the Commission has timely considered and taken action on a complaint.

² The Legislature also amended RCW 42.17A.755 and RCW 42.17A.775 in 2019 in Legislature adopted Substitute H.B. 1195. Laws of 2019, Reg. Sess., ch. 428. Those amendments have no bearing on this matter.

RCW 42.17A.775(2)(a).³ The Court of Appeals properly applied the unambiguous amendments made to the FCPA in 2018.

In *Utter*, the Court interpreted former RCW 42.17A.765(4), which stated:

(4) A person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself or herself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter.

(a) This citizen action may be brought only if:

(i) **The attorney general and the prosecuting attorney have failed to commence an action hereunder within forty-five days after the notice;**

(ii) The person has thereafter further notified the attorney general and prosecuting attorney that the person will commence a citizen's action within ten days upon their failure to do so;

(iii) **The attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice;** and

(iv) The citizen's action is filed within two years after the date when the alleged violation occurred. (Emphasis added.)

The entirety of subsection (4) was stricken by the Legislature in 2018, and replaced with the procedures set forth in RCW 42.17A.775. *See* Laws of 2018, Reg. Sess., ch. 304, §§ 14, 16. As a result, *Utter's* holding regarding the pursuit of a citizen action under the prior version of the FCPA offers no direct guidance here.

³ Freedom Foundation's complaint was filed on June 20, 2018, after the changes to the FCPA became effective (June 7, 2018).

The legislative history of the 2018 amendments to the FCPA further demonstrates that one clear purpose of the bill was to change the citizen action procedures. The Final House Bill Report includes a discussion of those changes. This Court has looked to such sources to ascertain the legislative intent behind the passage of statutory amendments. *See State v. Medina*, 180 Wn.2d 282, 291, 324 P.3d 682 (2014) (quoting from a 2009 bill report to show the Legislature’s intent behind the 2009 amendment to the law); *Bostain v. Food Express, Inc.*, 159 Wn.2d 700, 727, 153 P.3d 846 (2007) (“Useful legislative history materials may include bill reports.”); *Kadoranian v. Bellingham Police Dep’t*, 119 Wn.2d 178, 185, 829 P.2d 1061 (1992) (quoting from a Final Legislative Report to ascertain legislative intent).

The Final House Bill Report states:

Citizen’s Action. The citizen’s action procedures are changed. In order to file a citizen’s action, a person first must file a complaint with the PDC. **If the PDC takes certain action within 90 days of receiving the complaint, then the person may not go forward in the process. Such action includes dismissing or otherwise resolving the complaint after a preliminary review**, initiating an investigation and holding any appropriate hearings, or referring the matter to the AG. If the PDC refers the matter to the AG within 90 days, a citizen’s action may only proceed if the AG does not commence an action within 45 days of receiving the referral.

Final Bill Report of ESHB 2938, at 5-6, 65th Leg., Reg. Sess. (Wash. 2018) (emphasis added). This legislative history further solidifies what the plain

language of the statute already makes clear: ESHB 2938 changed the citizen action process. While the ability of citizens to sue in the name of the state was preserved, such suits were precluded where the Commission had timely considered and acted upon the citizen's original complaint. *Utter* is not controlling here, nor is the Court of Appeals decision contrary to *Utter*, given the changes made to the FCPA.

2. The decision regarding the citizen action process does not warrant review as a matter of substantial public interest

Freedom Foundation also argues that this matter is substantially important to the public interest as a question of first impression. Petition at 12. The Commission carefully considers all complaints filed; at its core this matter simply involves a routine dismissal of a complaint. The Court of Appeals simply applied the plain language of the FCPA in holding that a citizen action was not available. Consequently, nothing distinguishes this case as worthy of this Court's review.

The Commission has the authority to investigate apparent violations of the FCPA upon receipt of a complaint. RCW 42.17A.105; RCW 42.17A.755(1). If a complaint is filed with the Commission, the Commission has the following options:

- (a) **Dismiss the complaint or otherwise resolve the matter in accordance with subsection (2) of this section,** as appropriate under the circumstances after conducting a preliminary review;

(b) **Initiate an investigation** to determine whether an actual violation has occurred, conduct hearings, and issue and enforce an appropriate order, in accordance with chapter 34.05 RCW and subsection (3) of this section; **or**

(c) **Refer the matter to the attorney general**, in accordance with subsection (4) of this section.

RCW 42.17A.755(1) (emphasis added). In other words, the Commission must do one of four things: 1) dismiss a complaint; 2) resolve a complaint pursuant to RCW 42.17A.755(2); 3) initiate an investigation on the complaint, which may lead to an enforcement action; or 4) refer the matter to the attorney general. *Id.* Here, the Commission lawfully chose to dismiss the complaint based on RCW 42.17A.755(1)(a).

The Commission receives hundreds of complaints annually, and addresses those complaints using the options set forth in statute. In that regard, Freedom Foundation's complaint in this matter is indistinguishable from other complaints received by the Commission. Freedom Foundation nevertheless asserts that review is warranted because the 2018 amendments to the FCPA constitute a "sweeping" statutory change necessitating judicial scrutiny. Petition at 12. It was the Legislature's prerogative to make changes to the citizen action process, regardless if Freedom Foundation objects to the amendments as a matter of public policy. *See Associated Press v. Wash. State Legislature*, 194 Wn.2d 915, 930-31, 454 P.3d 93 (2019) ("That argument rests fundamentally on public policy, which is the purview of the

legislature and should not inform interpretation of the statute.”). The fact that the FCPA was changed by the Legislature does not, alone, justify this Court’s review.

B. Freedom Foundation Lacks Standing to Seek Judicial Review Under the APA

In addition to the attempt to bring a citizen’s action, Freedom Foundation sought to challenge the Commission’s dismissal under the APA. Freedom Foundation lacks standing to seek judicial review, as set forth in statute and consistently interpreted by Washington courts. A person must have standing to obtain judicial review of agency action under the APA. RCW 34.05.530. To have standing, a person must be “aggrieved or adversely affected by the agency action.” RCW 34.05.530. A person is aggrieved or adversely affected within the meaning of this section only when three conditions are present:

- (1) The agency action has prejudiced or is likely to prejudice that person;
- (2) That person’s asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged; and
- (3) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the agency action.

RCW 34.05.530. All three of these tests must be met to establish standing. *Id.*; *Allan v. Univ. of Wash.*, 140 Wn.2d 323, 326, 997 P.2d 360 (2000). The first and third prongs are generally called “injury-in-fact” requirements,

while the second is called the “zone of interest” prong.” *Id.* at 327. The person challenging the action has the burden to prove standing. *KS Tacoma Holdings LLC v. Shoreline Hearings Bd.*, 166 Wn. App. 117, 127, 272 P.3d 876 (2012). As discussed below, the Court of Appeals held that Freedom Foundation failed to meet its burden of establishing standing. This decision was consistent with prior decisions by Washington Courts interpreting the APA’s standing requirement.

1. Freedom Foundation was not prejudiced by the Commission’s action

Freedom Foundation has shown no prejudice that separates it from the public at large. In order to satisfy the prejudice requirement of RCW 34.05.530(1), “a person must allege facts demonstrating that he or she is ‘specifically and perceptibly harmed’ by the agency decision.” *See Patterson v. Segale*, 171 Wn. App. 251, 259, 289 P.3d 657 (quoting *Trepanier v. City of Everett*, 64 Wn. App. 380, 382–83, 824 P.2d 524 (1992)). “When a person alleges a threatened injury, as opposed to an existing injury, the person must demonstrate an ‘immediate, concrete, and specific injury to him or herself.’” *Id.* For an injury-in-fact, Freedom Foundation must show an invasion of a legally protected interest. *Snohomish Cnty. Pub. Transp. Benefit Area v. Public Emp’t Relations Comm’n*, 173 Wn. App. 504, 513, 294 P.3d 803 (2013).

Freedom Foundation attempts to demonstrate it was injured by asserting it was a “party” to a “proceeding” below by virtue of having filed a complaint, and that such status confers standing. It is wrong. RCW 34.05.010(12) defines “party” to include:

- (a) A person to whom the agency action is specifically directed; or
- (b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

No “agency action”⁴ was directed at Freedom Foundation, and it was not named by the Commission as a party to any proceeding.

Freedom Foundation argues that the Commission’s complaint dismissal was an “order” “directed” at Freedom Foundation. Petition at 13-14. This argument, however, is belied by the administrative record. No order was issued in this matter. AR 0001-01213. A dismissal letter was directed to Bethel School District regarding the allegation that it violated the FCPA, with Freedom Foundation being provided only a courtesy copy, and the same courtesy being extended to the general public via the Commission’s website. AR 0211-0213.⁵ Even if a complaint dismissal letter could somehow credibly be construed as an “order,” the dismissal here

⁴ RCW 34.05.010(5) defines “agency action” to mean “licensing, the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the imposition of sanctions, or the granting or withholding of benefits.”

⁵ See <https://www.pdc.wa.gov/browse/cases/37213> (last visited on November 6, 2020).

was directed at the Bethel School District, and did not determine the legal rights, duties, privileges, immunities, or other legal interests of Freedom Foundation. *See* RCW 34.05.010(11)(a).

In addition, neither the FCPA nor the Commission's rules confer special status upon a complainant based upon the mere act of filing a complaint. In fact, a complainant has no ability to participate in any proceeding, unless requested by the Commission. WAC 390-37-030(1). When a person files a complaint with the Commission, the Commission gives notice to the complainant of any open commission hearings on the matter, and the complainant "may" be called as a witness in any enforcement hearing or investigative proceeding. *Id.* Neither the complainant nor any other person, however, "shall have special **standing** to participate or intervene in any investigation or consideration of the complaint by the commission or its staff." *Id.* (Emphasis added.)

Disregarding the Commission's rules, Freedom Foundation argues it was allowed by the Commission to "participate" as a party below. Petition at 14. No "proceeding" was held here. Even assuming, *arguendo*, that a complaint dismissal could be characterized as a proceeding, the fact that the Commission reviewed information submitted by Freedom Foundation in analyzing the complaint did not transform Freedom Foundation into a "party" that "participated" in such a proceeding. More is required to make

an entity in Freedom Foundation's position a party, including actually having been treated by the agency as a party, and having a direct, concrete interest in the proceeding. See *Technical Emps. Ass'n v. Pub. Empl. Relations Comm'n*, 105 Wn. App. 434, 440, 20 P.3d 472 (2001). ("It would have been absurd for PERC to ignore a party whose union members would be directly affected by the PERC's decision."). Freedom Foundation was not treated as a party. Nor did Freedom Foundation have members personally impacted by the dismissal. In sum, Freedom Foundation's status as a complainant did not grant it standing to seek judicial review.

2. Freedom Foundation was not competitively harmed by the Commission's action

Freedom Foundation also argues that it was competitively harmed by the Commission's decision, and such harm is a sufficient injury-in-fact to establish standing. Petition at 7. There was no competitive advantage gained or withheld by virtue of the Commission's decision to dismiss the complaint. "The mere fact that an unfavorable result could become precedent to Freedom Foundation's potential future litigation is not a harm under RCW 34.05.530." *Freedom Foundation*, 469 P.3d at 372. Freedom Foundation fails to show how the complaint's dismissal disadvantages its viability as an ongoing organization.

Freedom Foundation argues the Court of Appeals decision conflicts with *Snohomish Cnty.*, 173 Wn. App. at 504. In *Snohomish County, Community Transit*, a public transportation agency, sought judicial review of a decision by the Public Employment Relations Commission (PERC). Community Transit had standing because the decision by PERC affected it as an employer, as it lost the benefit of a rule that affected its negotiating leverage with unions. *Snohomish Cnty.*, 173 Wn. App. at 513-14. Thus, Community Transit was able to demonstrate that it was directly affected by a PERC decision in the form of an “economic injury.” *Id.* In contrast, Freedom Foundation has failed to demonstrate any facts that show direct economic harm stemming from the Commission’s decision.

Freedom Foundation also argues the Court of Appeals decision conflicts with *St. Joseph Hospital & Health Care Center v. Dept. of Health*, 125 Wn.2d 733, 739-42, 887 P.2d 891(1995). St. Joseph challenged the granting of a certificate of need to a competing health care provider. This Court found St. Joseph had standing, reasoning that because the Legislature intended to regulate competition as well as control health care costs, competing service providers were within the statutory zone of interest. *Id.* at 741. Freedom Foundation fails to point to any similar competitive interest here.

Finally, Freedom Foundation argues the Court of Appeals decision below conflicts with this Court's decision in *Seattle Bldg. Trades Council v. Apprenticeship & Training Council*, 129 Wn.2d 787, 793-94, 920 P.2d 581 (1996). In that case, the Apprenticeship Council approved the Construction Industry Training Council (CITC)'s apprenticeship program application. The Appellants provided training in the same areas as CITC, and argued adjudicative proceedings should have been held by the Apprenticeship Council during the consideration of the application. This Court found the Appellants had standing to seek judicial review because, "[e]xisting programs have an interest in contesting what they believe to be inadequate standards in order to prevent entry of new, substandard programs into the market . . .". *Seattle Bldg.*, 129 Wn.2d at 796.

Here, Freedom Foundation objects to the contributions withheld by the Bethel School District. Freedom Foundation, however, does not stand in an economically competitive position with respect to Bethel School District, as the Appellants and CITC did in *Seattle Bldg.* The Appellants in *Seattle Bldg.* demonstrated a direct harm based on how the Apprenticeship Council decision could affect their own competing training program. Here, Freedom Foundation has shown no similar direct harm. The Court of Appeals decision here does not conflict with *Seattle Bldg.*

The Court of Appeals decision in this case presents no conflict with prior decisions by the Court of Appeals or this Court, based on RAP 13.4(b)(1) and (2). Rather, the decision is consistent with the plain language of the statute, as interpreted by Washington courts in the cases discussed above. Freedom Foundation’s attempt to circumvent the APA’s well established standing requirement was properly rejected by the Court of Appeals, and warrants no further review.⁶

3. The Court of Appeals decision with regard to standing does not involve an issue of substantial public interest

Freedom Foundation also asserts this Court should accept review to “prevent the PDC from staking out a position here that would allow it to entirely insulate from judicial review its further decisions of this sort.” Petition at 15. The Court of Appeals decision does not insulate the Commission in this fashion, nor does the Commission assert such unqualified insulation. No question of substantial public interest is present.

The Commission is cognizant that its actions are subject to judicial review by those who can establish standing. For example, those subject to

⁶ The Court of Appeals decision below did not address the “zone of interest” requirement, having disposed of the case pursuant to the “injury-in-fact” requirement. Freedom Foundation also failed to demonstrate standing under the zone of interest requirement, as the Commission is tasked with reviewing potential violations of the FCPA regardless of the particular viewpoint of a complainant. *See Newman v. Veterinary Bd. Of Governors*, 156 Wn. App. 132, 143-44, 231 P.3d 840 (2010) (No right to compel action against the veterinarians’ licenses by virtue of having filed a complaint, as that authority and discretion were vested with the Veterinary Board).

enforcement action by the Commission have a right to seek judicial review following the issuance of a final order by the Commission. *See* RCW 34.05.542(2). There is no basis, however, to expand the APA’s standing requirements in the manner suggested by Freedom Foundation.

The rights of the accused are distinguished from the rights of the accuser, particularly in the administrative agency context. The United States Supreme Court has recognized “that an agency’s decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency’s absolute discretion.” *Heckler v. Chaney*, 470 U.S. 821, 831, 105 S. Ct. 1649, 84 L. Ed. 2d 714 (1985); *see also Nat’l Elec. Contractor’s Ass’n v. Riveland*, 138 Wn.2d 9, 31, 978 P.2d 481 (1999). In *Heckler*, the Court reasoned that, “. . . when an agency refuses to act it generally does not exercise its *coercive* power over an individual’s liberty or property rights, and thus does not infringe upon areas that courts often are called upon to protect.” *Heckler*, 470 U.S. at 832 (emphasis in original).⁷ Here, the Commission exercised no coercive power over Freedom Foundation when it dismissed its complaint as unsubstantiated.

⁷ *Heckler* interpreted the federal Administrative Procedure Act (APA), 5 U.S.C. § 701(a)(2), which bars judicial review of agency action “committed to agency discretion by law.” Here, the FCPA grants to the Commission such discretion with regard to the dismissal of complaints. RCW 42.17A.755(1)(a).

Complainants are not authorized to seek judicial review based solely on their dissatisfaction with a complaint disposition. A contrary result would subject routine agency dispositions to needless litigation. No authority exists in the law for such an unconstrained broadening of the APA's standing requirement, which appropriately limits judicial review to agency decisions that directly injure an affected party. Freedom Foundation failed to meet the APA's standing requirement.

V. CONCLUSION

Freedom Foundation's Petition for Review does not satisfy the criteria for accepting review in RAP 13.4(b). The Court of Appeals applied the plain language of the FCPA in holding no citizen action was available. Likewise, it properly rejected Freedom Foundation's petition for judicial review based on the APA's standing requirement. Because Freedom Foundation has presented no issue that satisfies the standard for this Court's review, the Petition should be denied.

RESPECTFULLY SUBMITTED this 6th day of November, 2020.

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PROOF OF SERVICE

I certify that I arranged for service a true and correct copy of this document for delivery on all parties or their counsel of record on the date below as follows:

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I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 6th day of November, 2020, at Olympia, Washington.


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AGO/GCE

November 06, 2020 - 12:06 PM

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