Washington State Public Disclosure Commission
Personal Financial Affairs Statement
Reporting Modification Application Questionnaire, Instructions And Certification
February 2015

Application Questionnaire Instructions

The purpose of the Public Disclosure Act in chapter RCW 42.17A includes at RCW 42.17A.001(3):

> *"That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest."*

The form for providing disclosures of financial affairs is the F-1 Personal Financial Affairs Statement. The Act also provides for a process to seek a modification or suspension of reporting some information. RCW 42.17A.110(10) states in part:

> *"After hearing, by order approved and ratified by a majority of the membership of the commission, [the commission is empowered to] suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a* ***manifestly unreasonable hardship*** *and if it also finds that the suspension or modification will not* ***frustrate the purposes of the chapter...***
>
> *... Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section." (Emphasis added).*

Possible qualifications for modifications or suspensions (referred to collectively as "modifications") are found at RCW 42.17A.110(10) and WAC 390-28-100. Copies of these provisions and reporting requirements are on the PDC's website at www.pdc.wa.gov under "Laws and Rules." The *Personal Financial Affairs Statement Instruction Manual* is also available on the website, under "Filer Resources – Manuals and Brochures." The Commission has also adopted Interpretations addressing modifications for certain professions and situations, and those are also available under "Laws and Rules" then "Interpretations." Modifications, if granted by the Commission, cover only one reporting period. Another application must be made in the following years if you still need a modification.

PDC staff has implemented this application procedure for filers requesting an F-1 Reporting Modification from the Commission. This is designed to provide more uniform information to the Commission from filers seeking a modification, and to enable a quicker response to possible questions about a request from the Commission at the hearing. **Please fill out this Application Questionnaire prior to having a modification request taken to the full Commission for consideration.** The blanks in this document will expand to accommodate your answers. **It is suggested that you review this entire Application Questionnaire first, before filling out your answers.**

✓ **If you are requesting a modification, whether new or a renewal of an earlier request, please:**

(1) **Complete or review** your filed Personal Financial Affairs Statement (PDC Form F- 1) including Supplemental attachments (*except* for the information for which you are seeking a modification – leave the relevant sections or lines blank on the F-1 form at this time);
(2) **Answer all questions (# 1 – # 8)** on this Application Questionnaire, unless otherwise directed below,
(3) **Sign the Certification** if you do not intend to be present at the Commission hearing on your modification request, and
(4) **Return** this Application Questionnaire to the PDC via e-mail, mail, fax or other delivery (and also send the original of the Certification to the PDC).

- Please note, however, that while this Application Questionnaire for filers seeking a modification can be returned to the PDC in several ways, **F-1 forms cannot be filed by fax or e-mail.** See filing instructions in the *Personal Financial Affairs Statement Instruction Manual.*

✓ **Other items to consider:**

- Filers for which a PDC Interpretation may apply. As noted, the Commission has adopted Interpretations for specific filers that are requesting modifications. Those filers include attorneys, automobile dealers, judges and judicial candidates, and spouses of elected and appointed officials, and also include candidates for public office. If you qualify as a filer under an Interpretation, please review the applicable Interpretation and provide the information pursuant to the Interpretation as part of your F-1 or F-1 Supplement forms. Copies of the Interpretations are available on the PDC website at www.pdc.wa.gov under "Laws & Rules" then "Interpretations."

- Competitive disadvantage. If you are claiming a competitive disadvantage (in disclosing information), you must describe in detail the competitive environment in which the entity operates and explain how disclosure would likely affect the competitive position of the entity.

✓ **Please carefully review your F-1 and/or F-1 Supplement to ensure each form is fully completed.** Here are some commonly overlooked areas:

- Do you make the buy and sell decisions with regard to the IRA's, stocks and other securities listed as retirement or income generating assets in Section 3c of your F-1? **If the answer is YES** (if you control the buy and sell decisions) **you must identify the individual securities or mutual funds held.**
- Did you disclose all of your retirement accounts (i.e. IRA, 401 k, deferred compensation, PERS 1, 2, 3 or TRS or LEOFF, etc.)?
- Did you complete all of the questions in Section 5 of the F-1?

Questions? If you have questions, you may contact PDC staff at (360) 753-1111; 1-877-601-2828 (toll-free in Washington State). The PDC Fax number is: (360) 753-1112. E-mail: pdc@pdc.wa.gov. The PDC address is on the last page of this form (Certification).

Application Questionnaire

Background Information

Filer Name: Jon Lisbin

Filer Office Held or Sought: Seattle City Council District 6

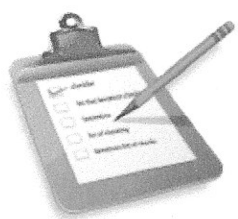
Date of Request: 5/28/15

Period Covered by Request: Previous year

Questions

Please answer questions # 1 - # 8 below, unless:

- RESIDENTIAL ADDRESS. If you are seeking only nondisclosure of a residential address, answer **# 1, # 4, # 6 and # 8**.
- SPOUSAL SEPARATION. If you are seeking only nondisclosure of information related to your spouse based upon a recent or pending divorce or separation, or because it relates to a bona fide separate property agreement or other bona fide separate status, answer **# 1, # 4, # 7 and # 8**. A request for nondisclosure may be considered when such financial interest does not constitute a present or prospective source of income for you.



1. **MODIFICATION REQUEST SUMMARY. Describe the general nature of the information you do not wish to disclose.** (Examples: financial interests where reporting the name would likely adversely affect the competitive position of an entity, customer lists of a business entity or sources of compensation/income for the entity, confidential relationships, information subject to bona fide separate property agreements, personal residential address, other).

   I do not want to disclose the company I own's customer list, nor the amount of revenue the company receives from our clients.

2. **UNREASONABLE HARDSHIP. Describe in detail the manifestly unreasonable hardship in disclosing the information.** Please describe in detail the reasons why you believe disclosing the information would be a hardship. The reasons stated should address the issues such as those listed below. Please address those topics below that are relevant to your specific request. For example, if you are seeking nondisclosure related to an entity, for each entity, please:

- Provide the name and description of the entity, business, union, association, not-for-profit, charitable organization, or other entity for which you are seeking a modification request from reporting the entity's disclosable customers/sources of compensation/income.

Point It!, Inc.

- Describe the size of the entity such as annual sales, number of customers or accounts, the number of employees, and other pertinent information.

Revenue in 2014 was $6,000,000. We have over 50 clients and 40 employees.

- Describe how many business customers or other sources paying the entity more than $12,000 would be subject to disclosure.

Almost all of our clients have paid us more than $12,000 in the past year. Contracts are typically month to month.

- Describe if you have access to information about the entity's customer base or sources of compensation/income.

Yes

- Describe if you are involved with the day-to-day operations of the entity.

No. I have put in place a leadership team which is managing the day to day of the company. I am in a non-operational role as Chairman of the company.

- Describe if any of the entity's customers or sources of compensation/income are already listed in other public sources or publications including advertisements, or public records.

We publish a few of our clients on our website and in case studies but the vast majority are confidential. Some have confidentiality and non-disclosure agreements with our company, which information cannot be provided without their permission.

- Describe if any of the entity's customers or sources of compensation/income are already listed on a website.

We have an extensive client list, a select few of which we promote on our website. These clients have no influence on my political campaign or potential policy decisions and are not contributors to my campaign.

- If the entity has a website address, list it here:

www.pointit.com

- If the entity's customers or sources of compensation/income are described elsewhere on the Internet, describe why you are seeking a modification (nondisclosure) for those customers or sources of compensation/income:

We publish a few of our clients on our website and in case studies but the vast majority are confidential. Some have confidentiality and non disclosure agreements with our company, which we cannot provide without their permission.

[*Note:* along with other information provided in the Application Questionnaire, Internet information regarding entities/sources of compensation/income may be reviewed by PDC staff and/or the Commission as part of the modification process.]

- Describe if the entity has the ability to sort its customer list or sources of compensation/income to identify those paying the entity more than $12,000 during the reporting period.

Almost all of our clients are above the $12,000 threshold.

- Describe if you disclosed all of the governmental customers or governmental sources of compensation/income that paid the entity more than $12,000 in the reporting period.

We have no governmental customers or governmental sources of compensation.

- Indicate whether you have an ownership interest of 10% or more in the entity.

I do.

- Indicate whether your spouse's interest in an entity requires you to complete an F-1 Supplement for that entity.

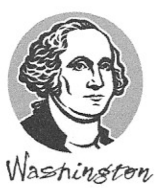
No

- Describe other relevant information you believe the Commission should consider as to why it would be a manifestly unreasonable hardship if the information was required to be disclosed.

Point It is a small privately held company. The firm has several strong competitors in the Seattle area and disclosing our client list would put the company at an extreme competitive disadvantage, since those clients will be actively poached.

3. **NOT FRUSTRATE THE PURPOSES OF THE ACT. Describe how allowing you to not disclose the information described in your modification request does not frustrate the purposes of the Public Disclosure Act.**

Point It is an online advertising agency and does not have any government clients. I have never been in politics until this campaign. I am not actively managing the company and do not have direct contact with our clients. Clients will not influence my duties as a Council member.



4. **DUTIES. Describe your duties as an elected or appointed official.** Please describe the jurisdiction or agency for which you hold public office, and the duties performed by you as a public official (examples: adopting rules or ordinances, hiring staff, approving contracts, setting policy, etc.). Please provide as much description as possible.

I am running for Seattle City Council, District 6. The position is primarily legislative, although when elected I will also have quasi-judicial duties involving controversial matters such as land use. Duties as an elected member of the Seattle City Council include considering and passing ordinances, acquiring and disposing of real property, borrowing money for city purposes, issuing bonds, improving streets and public places, making local improvements, constructing roads and maintaining bridges, acquiring and operating facilities for the drinking water supply, electricity production, making police regulations for public health and safety among others. I anticipate having limited administrative duties, and expect to be engaged in hiring personal and committee staff.

5. **CUSTOMERS OR SOURCES OF COMPENSATION/INCOME. If you are seeking a modification related to a particular entity's reportable customers or sources of compensation/income for an entity, describe:**

- In detail the position you hold in the entity (examples: owner, board member, officer, partner, etc.) and the duties performed by you for that entity, if any (examples: setting policy, hiring, approving contracts, approving budgets, etc.). Please provide as much description as possible.

I am the chairman of the company and am not actively involved in the day to day operations. The President of the company reports directly with me and I typically meet with him several times a month to discuss strategic issues, such as financial goals and targets, customer acquisition strategies, and major personnel issues.

- If you (or if you are seeking office, will you) make any decisions as a public official that may benefit the customers of the entity for which you are seeking a modification, or sources of compensation/income for the entity for which you are seeking a modification?

Absolutely not.

6. **RESIDENTIAL ADDRESS. Are you requesting to be exempted from disclosing the address of your personal residence in the Real Estate Section of the F-1?** In this situation, you or your spouse may be a law enforcement officer, prosecutor, judge, or other official, and the disclosure of the address of your primary residence on the F-1 form could cause you or your family harm, based upon tangible evidence or a specific threat. If so, please explain in detail the **manifestly unreasonable hardship** if disclosure were required, and **why the purposes of the act would not be frustrated** if disclosure of the address was not required. If nondisclosure is based upon an anti-harassment or similar court order, please state.

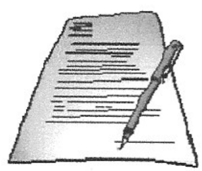
No

7. **SPOUSAL SEPARATION. Are you requesting to be exempted from disclosing information related to your spouse based on a pending or recent divorce or separation, or bona fide separate property agreement or other bona fide separate status?** In this situation, the filer has little or no knowledge of spouse's or former spouse's income, assets, liabilities or relationship to outside entities for which reporting may be required. (For example, do you file separate income tax returns?) The filer does not have access to spouse's or former spouse's financial information. The financial interest of the spouse or former spouse does not constitute a present or prospective source of income for the filer. If this is your situation, please describe.

No

8. **OTHER INFORMATION. Is there any other information you want the Commission to consider regarding your modification request?** (If you are attaching any information or documents, please describe attachments.)

NO



- **IF YOU WILL NOT BE ATTENDING THE HEARING IN PERSON OR BY PHONE TO ATTEST THE ABOVE INFORMATION AND RESPOND TO COMMISSION QUESTIONS, YOU MUST ALSO COMPLETE AND SIGN THE ATTACHED CERTIFICATION PRIOR TO SUBMISSION.**

Certification for an Application for a Reporting Modification or Suspension

When Applicant Is Waiving Personal Appearance At the Hearing (Notary Not Required)

I am waiving my personal appearance at the hearing on my request for a reporting modification or suspension, and request the Commission to consider my written application. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in the attached application for a reporting modification are true and accurate to the best of my actual knowledge or belief.

List the date of the application request: 5/28/15

Entity or name of individual
requesting reporting modification: Jon Lisbin – Jon Lisbin Moves Seattle

Your signature: Jon Lisbin

Your printed name: Jon Lisbin

Business street address: 151 Western Ave. W, Suite 350

City, state and zip code: Seattle, WA 98119

Telephone number: (206) 525 - 3000

E-Mail Address: Jonl@pointit.com

Date Signed: 5/28/15

Place Signed (City and County): Seattle (City) King (County)

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a gross misdemeanor."

IF YOU FAX OR SCAN AND SEND A COPY OF THIS SIGNED CERTIFICATION VIA E-MAIL TO THE PDC WITH YOUR MODIFICATION REQUEST, THE ORIGINAL MUST STILL BE PROVIDED. RETURN THE ORIGINAL OF THIS CERTIFICATION TO:

WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION
711 Capitol Way Room 206
P.O. Box 40908
Olympia, WA 98504-0908
Attn: Reporting Modification Request