# Application Questionnaire

Background Information

Filer Name: Edward J. McKenna

Filer Office Held or Sought: Judge, Seattle Municipal Court

Date of Request: February 11, 2013

Period Covered by Request: 2013

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 am requesting modification of the F-1 and F-1 Supplement reporting requirements to exclude my personal residential address.

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.

In addition to seeking modification for non-disclosure of my personal residential address, I also seek modification to prevent disclosure of the business location address of McKenna Oil LLC , a small LLC in which I am a member because the business address is the same as my residential address.

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

The business is very small, having gross annual revenue of less than $10,000. The business assets consist of mineral rights and grazing land located in the State of Montana.

- Describe how many business customers or other sources paying the entity more than $10,000 would be subject to disclosure.

None

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

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

All assets are leased to others. Although I maintain the business records, there is little business to actually maintain.

- 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.

Unknown

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

Central Montana Resources, our primary lessee has a website. http://centralmontanaresources.com/index.html

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

Mckenna Oil, LLC has no website or e-mail address.

- 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:

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[*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 $10,000 during the reporting period.
- Describe if you disclosed all of the governmental customers or governmental sources of compensation/income that paid the entity more than $10,000 in the reporting period.

  There are no government customers.

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

  I have a 33.3% ownership interest.

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

  None

- 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.

The business address is the same as my residential address. It is simply a mailing address for the business. McKenna Oil LLC is not open to the public, does no advertising, has no website and all income generating assets are leased to others. The business is incorporated in the State of Montana. The contact information for the registered agent in Montana is publically available and the annual report filed with the Montana Secretary of State is publically available.

The assets belonging to McKenna Oil LLC had been inherited and placed into an LLC for the sole purpose of preventing further dilution of the assets for future generations. The business address is easily identifiable as a residential address. With my name on the business, it would be very easy to recognize the business address as my personal residence.

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.**

Please see #6 below.

Washington

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 one of seven judges elected to Seattle Municipal Court. I preside over criminal misdemeanor and gross misdemeanor cases occurring within the city limits of Seattle. I routinely set bail, issue arrest warrants and impose sentence, including jail, monetary fines and other probationary conditions on offenders.

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.

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- 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?

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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.

I believe that my family and I would suffer unreasonable hardship if required to disclose our primary residential address. As a Seattle Municipal Court judge, I am required to be a resident within the City of Seattle. Prior to becoming a judge, I was a prosecutor for the Seattle City Attorney's Office. I routinely prosecuted "high impact offenders" and routinely sought maximum sentences for such offenders. On several occasions, I received threats of bodily injury as well as threats to my residence. As indicated in Section 4, I now routinely sentence persons who may be associates of those persons I previously prosecuted or I may unknowingly preside over cases of persons I previously prosecuted.

The most recent direct threat to me occurred just a few years ago. Although I don't preside over his cases, the person who threatened me has previously assaulted court officials and police. As a prosecutor, I initiated cases against him and I have been a witness in a criminal case against him. He currently owes accumulated court-imposed fines and fees in excess of $75,000. This person frequently contests infraction cases in Seattle Municipal Court and is well known by court staff as a problem individual. I see him in and near the courthouse on an occasional basis.

Disclosure of my personal residential address would create a manifestly unreasonable hardship for me as well as my family given the history of threats against me. The purpose of the public disclosure act would not be frustrated given that I conduct no public or government-related business from my personal residence, I can be contacted at my place of employment, and I am requesting no additional modification other than that of excluding my personal residential address.

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.

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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.)

This request is not different from last year's request.

- **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: February 11, 2013

Entity or name of individual
requesting reporting modification: Edward J. McKenna

Your signature:

Your printed name: Edward J. McKenna

Business street address: 600 Fifth Ave, Rm 1037, PO Box 34987

City, state and zip code: Seattle, WA 98124

Telephone number: (206) 684 - 8709

E-Mail Address: ed.mckenna@seattle.gov

Date Signed: February 11, 2014

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