



**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

Toll Free 1-877-601-2828 • E-mail: pdcc@pdc.wa.gov • Website: www.pdc.wa.gov

June 26, 2019

Delivered electronically to Robert Allen at "robert.allen7@comcast.net"

Subject: Complaint filed by Lois J. DiMarco, PDC Case 42576

Dear Mr. Allen:

Below is a copy of an electronic letter sent to Lois J. DiMarco concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Ms. DiMarco, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

PDC staff is reminding you about the importance of registering and reporting as a political committee at such time that you collect or spend funds from sources outside of your own personal funds and the importance of accurately identifying the sponsor of written political advertisement made in support of any candidate for public office. PDC staff expects in the future that you will timely and accurately register and report campaign activity and that you include accurate sponsor identification on political advertisement made in support of any candidate for public office in accordance with PDC laws and rules.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by email at jennifer.hansen@pdc.wa.gov.

Sincerely,

/s _____
Jennifer Hansen
Compliance Officer

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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June 26, 2019

Delivered electronically to Lois J. DiMarco at “thrinley@ncreek.net”

Subject: Complaint regarding Robert Allen, PDC Case 42576

Dear Lois J. DiMarco:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 30, 2018. Your complaint alleged that Robert Allen, a contributor to the 2018 Nicholas Power for San Juan County Prosecutor Campaign and sponsor of paid political advertisement for the Power Campaign, may have violated: (1) RCW 42.17A.205 for failure to register a political committee in support of Nicholas Power; (2) RCW 42.17A.235 and RCW 42.17A.240 for failure to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures for political advertising costs related to two paid advertisements; (3) RCW 42.17A.405 for making over-limit contributions to the Power Campaign through political advertising purchased after review and approval by the candidate; (4) RCW 42.17A.255, .260 and .305 for failure to timely and accurately report independent expenditures or electioneering communications; and (5) RCW 42.17A.320 for failure to accurately and completely disclose sponsor identification on written political advertisement.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the response(s) provided by Mr. Allen and Nicholas Power in a related case (PDC Case 42587); the applicable PDC reports filed by Respondent; and queried the Respondent’s data in the PDC contribution and expenditure database, to determine whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- Nicholas Power filed a Candidate Registration (C-1 report) on May 25, 2018, declaring his candidacy for San Juan County Prosecuting Attorney in 2018, and choosing the “Full Reporting” option. The Power Campaign had an individual contribution limit of \$1,000 per primary and general election.
- The complaint included copies of two political advertisements supporting the 2018 Nicholas Power for San Juan County Prosecutor Campaign, one presented on October 24, 2018 (Ad #1) and the second presented on October 31, 2018 (Ad #2).
- In his response, Mr. Allen stated that “a few friends, of the then candidate, Nicholas Power, individually stepped forward to assist him in his candidacy” and that there was no “PAC nor any formal group formed for the purpose of assisting Mr. Power.” In addition, Mr. Allen stated that Mr. Power was not directly involved with the advertisements nor had Mr. Power seen the ads before they were presented to the public.

- In response to a separate but related complaint, Nicholas Power stated that he was aware of the advertisements prior to them being presented to the public and that he mistakenly thought that the cost would be reported as an electioneering communication by the individuals who placed the ads and paid for the design and placement costs.
- Mr. Power has identified in-kind contributions from Mr. Robert Allen and his spouse, Vonnie Allen in the amount of \$369.84 each for Ad #1 that was presented on October 24, 2018. Staff's review of the contribution reports filed by the 2018 Power for San Juan County Prosecutor Campaign found that Robert Allen made an additional \$250 monetary contribution on November 16, 2018, for an aggregate total of \$619.84 for the general election.
- Staff's review of the activity Mr. Allen engaged in when making arrangements for political advertisements in support of the 2018 Power Campaign, likely met the statutory definition of a political committee and that Mr. Allen may have been required to register and report the committee at the time funds were spent or collected for the purpose of supporting the Power Campaign.

It appears that Mr. Allen was not aware of the requirement to register and report as a political committee when he began planning the political advertisements and that his intent was to make expenditures independently, without the involvement of the candidate and without exceeding any contribution limits. There is also evidence that Mr. Allen attempted to include the names of the individual sponsors of the ads and may have inadvertently included names of individuals who supported Mr. Power's Campaign but were not actually sponsors of the specific advertisements referenced in the complaint.

Based on these findings staff has determined that, in this instance, failure to register and report as a political committee after receiving and spending funds for two political advertisements made in support of the 2018 Nicholas Power for San Juan County Prosecutor Campaign, and failure to include accurate sponsor identification on the same two written political advertisements, does not amount to a finding of an actual violation warranting further investigation.

PDC staff is reminding Robert Allen about the importance of registering as a political committee, the timely disclosure of all contribution and expenditure activities, and the requirement to identify the true and accurate sponsor of political advertisements made in support of any candidate for public office, in accordance with the statutes and rules. The reminder will include staff's expectation that Mr. Allen follow all applicable statutes and rules regarding the disclosure of campaign activities to support any candidate for public office in future years.

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 Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at jennifer.hansen@pdc.wa.gov.

Sincerely,

/s _____
Jennifer Hansen
Compliance Officer

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavallee

Executive Director

cc: Robert Allen