



**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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

June 26, 2019

Delivered electronically to Nicholas Power at “nickpowerforprosecutor@gmail.com”

Subject: Complaint filed by Lois J. DiMarco, PDC Case 42587

Dear Mr. Power:

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.

However, pursuant to WAC 390-37-060(1)(d), this letter serves as a warning letter concerning your failure to comply with the filing requirements noted in the enclosed letter sent to Ms. DiMarco. Staff expects you to timely files all future required reports of contributions and expenditures, including all monetary and in-kind contributions and expenditures in any future campaigns. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or 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 _____
Peter Lavalley
Executive Director



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June 26, 2019

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

Subject: Complaint regarding Nicholas Power, PDC Case 42587

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 Nicholas Power, a candidate for San Juan County Prosecuting Attorney in 2018, may have violated: (1) RCW 42.17A.405 for accepting over-limit contributions for political advertising costs approved in advance by the candidate; (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 monetary or in-kind contributions for political advertising costs approved in advance by the Campaign; and (3) RCW 42.17A. for failure to accurately report the candidate’s personal funds expended in support of his 2018 campaign.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the response(s) provided by Nicholas Power; 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 and was required to disclose campaign contribution and expenditure activities according to RCW 42.17A.235.
- The complaint included allegations regarding 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).
- Mr. 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.
- Ultimately, on June 13, 2019, Mr. Power identified the paying sponsors of the advertisements as in-kind contributors to his 2018 campaign specifically listing in-kind donations from Robert and Vonnie Allen (190 N. Bay Lane, Friday Harbor WA 98250) in the amount of \$369.84 each for Ad #1, and in-kind donations from Jon Von Gehr (55 Myers Rd., Friday Harbor WA 98250) and Michael Gallagher (P.O. Box 134, Friday Harbor WA 98250) in the amount of \$369.84 each for Ad #2. Robert Allen made an

additional \$250 monetary contribution to the 2018 Power Campaign and Michael Gallagher made an additional \$500 monetary contribution to the 2018 Power Campaign.

- Staff's review found that Mr. Power was a first-time candidate for public office in 2018 and served as his own treasurer. Although Mr. Power has been the respondent in two previous complaints, both were dismissed with a reminder or after a request for technical correction.

It appears that the mistakes made by the 2018 Power Campaign in regard to the disclosure of costs connected to two political advertisements done in support of Nicholas Power's Campaign and presented in October 2018, were caused by a general misunderstanding of statutory filing obligations and miscommunication between the Campaign and the sponsors of the advertisements. No evidence was found that Mr. Power meant to mislead or deprive the public of information related to the cost the two political advertisements referenced above.

Based on these findings staff has determined that, in this instance, failure to timely and accurately file C-4 reports disclosing in-kind contributions for political advertising costs, does not amount to an actual violation warranting further investigation or additional enforcement action.

Pursuant to WAC 390-37-060(1)(d), Nicholas Power (2018 candidate for San Juan County Prosecutor) will receive a formal written warning concerning failure to timely and accurately file C-4 reports disclosing in-kind contributions for political advertising costs. The formal written warning will include staff's expectation that Mr. Power timely files all future required reports of contributions and expenditures including all monetary and in-kind contributions and expenditures. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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 _____
Peter Lavalley
Executive Director

cc: Nicholas Power