



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@pdcc.wa.gov • Website: www.pdcc.wa.gov

April 2, 2019

Delivered electronically to "benstuckart@gmail.com" and "taki.flevaris@pacificallawgroup.com"

Subject: PDC Case 46509

Dear Ben Stuckart:

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

As noted below to Glen Morgan, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

However, we encourage you to carefully consider both the content and timing of any future ads in which you are asked to appear. Ads that assist your candidacy and/or are distributed close to an election in which you are a candidate may trigger additional reporting requirements and apply towards contribution limits; furthermore, the presence of these factors may subject the activity to greater scrutiny by the PDC.

If you have questions, you may contact Tabatha Blacksmith at 360-586-8929, toll-free at 1-877-601-2828 or by e-mail pdcc@pdcc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

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



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April 2, 2019

Delivered electronically to "glen@wethegoverned.com"

Subject: Complaint regarding Ben Stuckart, PDC Case 46509

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on January 30, 2019. Your complaint alleged that Ben Stuckart may have violated RCW 42.17A.240 and .405 by not accurately reporting an in-kind contribution arising from Candidate Stuckart's appearance in a mailer sponsored by Yes for Public Safety & accepting a subsequent over-limit contribution.

PDC staff reviewed your allegations and, as a result, found the following:

- Ben Stuckart (the "Respondent") is President of the Spokane City Council (term 2016-2019) and has been a mayoral candidate for the City of Spokane since 2016. As a mayoral candidate, the Respondent's campaign contribution limit from political action committees or other entities is \$1,000.
- In December of 2018, the Spokane City Council voted in favor of forwarding Proposition 1 – a property tax levy designed to fund emergency services and crime reduction – to voters for their consideration at a Special Election held on February 12, 2019.
- Subsequent to the Council's decision, Yes for Public Safety approached the Respondent and received permission to use his publicly-available photo & a quote (attributed to him in his Council President role) in one of its mailers supporting Proposition 1. The Respondent had no further interactions with Yes for Public Safety regarding the mailer and did not appear in any other ads sponsored by the latter.
- Yes for Public Safety, a single-year ballot committee, sponsored an ad supporting Proposition 1 wherein the Respondent's photo & quote appeared, which was mailed out on January 25, 2019. The cost of the mailer was approximately \$5,200 and the expenditure was timely and accurately reported by the committee to the PDC (see C-4 report 100883393).
- The Proposition 1 mailer 1) did not identify the Respondent as a mayoral candidate; 2) was mailed several months before the election for which the Respondent is a candidate; and 3) sought to influence the outcome of an election for which the Respondent is *not* a candidate.

- The Proposition 1 mailer is not an electioneering communication for the Respondent as defined under RCW 42.17A.005(22) because it 1) does not clearly identify the Respondent as a mayoral candidate; and 2) was not distributed within 60 days of any election for that office.
- Per RCW 42.17A.005(16)(c), services, property or rights furnished at less than their fair market value *for the purpose of assisting any candidate* or political committee are deemed to be a “contribution,” must be reported as an “in-kind contribution” at their fair market value, and applied towards any applicable contribution limit.
- Based on the above facts, Yes for Public Safety’s mailer does not appear to be an in-kind contribution to the Respondent because its purpose was clearly to support Proposition 1, not the Respondent’s mayoral candidacy. Any indirect benefit to the Respondent’s candidacy appears to be incidental and well below the contribution limit threshold for the office sought.

[Emphasis added]

Based on these findings, staff has determined that, in this instance, the Respondent’s appearance in an ad supporting a ballot measure does not amount to a finding of an actual violation warranting further investigation.

The PDC has dismissed the matter and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case.

If you have questions, you may contact Tabatha Blacksmith at 360-586-8929, toll-free at 1-877-601-2828 or by e-mail pdcc@pdc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

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

cc: Ben Stuckart