



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

May 7, 2019

Delivered electronically to "oostermanlinda@gmail.com" and "shawneemyers@comcast.net"

Subject: PDC Case 48963

Dear Linda Oosterman:

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

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

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

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

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



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

May 7, 2019

Delivered electronically to "saturn@gmail.com"

Subject: Complaint regarding Linda Oosterman, PDC Case 48963

Dear Andrew Saturn:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on March 13, 2019. Your complaint alleged that Linda Oosterman (the "Respondent") may have violated RCW 42.17A.330, .240 & .555 by 1) failing to use at least one photo, taken within the last 5 years, in political advertising (e.g. 2012 photo used on campaign Facebook page); 2) failing to report the use of said photograph as an in-kind contribution to its 2018 campaign; and 3) using public facilities (e.g. an agency photo) to assist an election campaign.

PDC staff reviewed your allegations, the applicable statutes, rules, and reporting requirements, the response provided by the Respondent, and the applicable PDC reports filed by the Respondent to determine if they support a finding of one or more violations. Based on staff's review, we found the following:

- The Respondent is an elected Commissioner for the Thurston County Public Utility District (PUD) and was a candidate for this office & jurisdiction during election year 2018.
- Pursuant to RCW 42.17A.330, at least one candidate photograph used in any political advertising must have been taken within the last five years.
- Political advertising is defined as "any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign." RCW 42.17A.005(39). Per WAC 390-05-290, political advertising does not include "letters to the editor, news or feature articles, editorial comment or replies thereto in a regularly published newspaper, periodical, or a radio or television broadcast where payment for the space or time is not normally required."
- Per RCW 42.17A.240, candidates are required to report the date and monetary value of all contributions received during each reporting period, the name and address of the contributor, and the aggregate value of all contributions received from each source, unless otherwise exempted.
- RCW 42.17A.555 prohibits elected officials from using or authorizing the use of public office or agency facilities for the purpose of assisting an election campaign. "Facilities" includes, but is not limited to, the use of office equipment, supplies, space, publications or vehicles, the use of employees during working hours, and client lists, etc.

- By way of evidence, the Complainant provided copies or links to a total of five photographs of the Respondent that appeared on the following platforms:
 - Four recent photos that appear in the Respondent's campaign Facebook account "Ad Archive," one of which also appeared in a news article published by The Olympian; and
 - One older photo that appears on the Thurston PUD's official website and the website for the non-profit organization Pro Truth Pledge. The older photo was also published in Thurston County's 2012 Online Local Voter's Pamphlet.
 Of the photographic evidence provided, only the Facebook post(s) appear to constitute political advertising.

- According to the Respondent and its consultant, Joe Hyer, the photos used on the Respondent's Facebook page were taken by volunteer supporters, who are not professional photographers, in 2017 & 2018 using cell phones; the photos were provided to the candidate at no cost. As a result, the photos comply with the age requirements of RCW 42.17A.330. Furthermore, pursuant to WAC 390-17-405, volunteer services, such as taking photos at an event, do not constitute a reportable contribution "so long as the individual [performing the service] does not ordinarily charge a fee or receive compensation for providing the service." The value of the photos themselves appear to be de minimis in nature.

- The Respondent indicated the older photo was taken by Vento Photography in 2012. The \$145.50 expenditure, dated March 19, 2012, was reported to the PDC on April 11, 2012 (report #100459389). According to the Respondent, the 2012 photo was gifted to the PUD in 2013, was not used for campaign purposes, and is therefore not reportable as an in-kind contribution to its campaign pursuant to RCW 42.17A.240. ProTruthPledge.org obtained the Respondent's 2012 photograph from another source and re-posted it without the Respondent's knowledge. The evidence provided by the Complainant was insufficient to show a finding that the 2012 photo was used for political advertising during the Respondent's 2018 election campaign.

- The professional photo paid for by the Respondent in 2012 was not produced by a public office or agency and therefore does not constitute a use of facilities by the Respondent under RCW 42.17A.555.

Based on this information, the PDC finds that no further action is warranted and has dismissed the matter in accordance with RCW 42.17A.755(1).

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

Sincerely,

/s _____
 Tabatha Blacksmith
 Compliance Coordinator

Endorsed by,

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

cc: Linda Oosterman