



**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

August 26, 2019

Delivered electronically to "checkercabspokane@yahoo.com"

Subject: PDC Case 52905

Dear Robert Joseph "Rocky" Samson III:

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

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

However, pursuant to WAC 390-37-060(1)(d), this letter serves as a formal written warning concerning your failure to timely file your Candidate Registration (C-1 report) and comply with the requirements to include the proper sponsor identification on political advertising.

Should you be a future candidate for elective office, PDC staff expects you to timely file a C-1 report and list the complete sponsor identification on all political advertising in future years in accordance with PDC laws and rules.

The Commission will consider this 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 has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, you may contact Alice Fiman at 1-360-586-4746 or toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Peter Lavalley
Executive Director



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August 26, 2019

Delivered electronically to "barrowc40@gmail.com"

Subject: Complaint regarding Robert Joseph "Rocky" Samson III, PDC Case 52905

Dear Carrie Barrow:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed against Robert Joseph "Rocky" Samson III, a 2019 candidate for City of Spokane Valley City Council Member Pos. 2.

The complaint alleged that Samson violated RCW 42.17A.205 for failure to file a Candidate Registration (C-1 report) within two weeks of declaring candidacy; RCW 42.17A.235 for failure to report contributions and expenditures as a candidate; RCW 42.17A.700 for failure to timely file the Personal Statement of Financial Affairs (F-1 report) within two weeks of declaring candidacy; and RCW 42.17A.335 for sponsoring false statements of material fact about a candidate in political advertising.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by Samson; the applicable PDC reports filed by Friends of Rocky (Committee); and 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:

- On January 14, 2019, Robert Joseph "Rocky" Samson III filed an amended Personal Financial Affairs Statement (F-1). This report was filed as amended in error, and Samson filed a new F-1 on May 28, 2019. The January 14, 2019 report was filed timely.
- On June 17, 2019, Robert Joseph "Rocky" Samson III filed a Candidate Registration (C-1 report), declaring candidacy for City of Spokane Valley City Council Member Pos. 2, listing a political party affiliation or preference as "Non-Partisan." Based on staff's review, this report was filed 140 days late.
- Samson filed one Monetary Contribution (C-3) report and three Summary Full Campaign Contribution and Expenditure (C-4) reports during the 2019 campaign. The C-3 report

was filed July 1, listing contributions made June 1 and 23. The C-4 report filed June 28 was filed 18 days late; however, the July 16 and July 30 C-4 reports were filed timely.

- While not alleged in the complaint, the exhibits provided in the complaint lack a sponsor identification as required in RCW 42.17A.320.
- Samson stated the trailer was owned by Checker Auto Sales and belatedly reported a \$995 in-kind contribution from the company.
- Samson did not advance to the 2019 General Election.
- RCW 42.17A.335 prohibits a person from sponsoring, with actual malice, a false statement of material fact about a candidate for public office that constitutes libel or defamation per se. The violation must be proven by clear and convincing evidence.
- In his response, Samson stated “There is no attempt to create mistrust for anyone, the statements used have been already released in public formats such as news stations and local print publications.”
- There was no clear and convincing evidence of defamatory or libelous statements made with actual malice.

Based on these findings staff has determined, in this instance, the alleged failure to timely file a Candidate Registration (C-1 report) and to comply with the requirement to include proper sponsor identification on political advertising, do not amount to violations warranting further investigation.

However, pursuant to WAC 390-37-060(1)(d), Robert Joseph "Rocky" Samson III will receive a warning letter concerning his failure to comply with PDC requirements as noted in this letter.

Should Robert Joseph "Rocky" Samson III be a future candidate for elective office, PDC staff expects Samson to timely file the C-1 and other required reports and list the complete sponsor identification on all political advertising in future years in accordance with PDC laws and rules.

The Commission will consider this 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 me at (360) 586-4746, toll-free at 1-877-601-2828, or by e-mail at fdc@fdc.wa.gov

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Peter Lavalley
Executive Director