



**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

September 24, 2019

Delivered electronically to “mnmkandie@aol.com”

Subject: Complaint filed by David Sandretto, PDC Case 55714

Dear Michelle McLeod:

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

As noted in the letter to David Sandretto, 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.

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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September 24, 2019

Delivered electronically to "dsandretto@hotmail.com"

Subject: Complaint regarding Michelle McLeod, PDC Case 55714

Dear David Sandretto:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on July 31, 2019. The complaint alleged that Michelle McLeod (Respondent), a 2019 candidate for City Council in Benton City, may have violated RCW 42.17A.335 and WAC 390-18-040 for making false statements of incumbency in political advertising.

PDC staff reviewed the allegations; and the applicable statutes, rules, and reporting requirements, to determine whether the record supports a finding of one or more violations.

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

- RCW 42.17A.335(1)(b) prohibits any person from sponsoring with actual malice in political advertising or electioneering communications, a false statement about a candidate, which constitutes libel or defamation *per se*, that falsely represents that candidate as the incumbent when they are not the incumbent, and WAC 390-18-040 provides guidance on terms which may be used to avoid confusion around incumbency status.
- RCW 42.17A.335(2) defines libel or defamation *per se* as, "*statements that tend (a) to expose a living person to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation, or (b) to injure any person, corporation, or association in his, her, or its business or occupation.*"
- RCW 42.17A.335(4) requires violations of RCW 42.17A.335 to be proven with clear and convincing evidence, which is the same burden as beyond a reasonable doubt.
- RCW 42.17A.005(1) defines actual malice as action taken with, "*knowledge of falsity or reckless disregard as to truth or falsity.*"
- The Respondent was previously appointed to the position of City Council Member in Benton City, and sponsored yard signs which read, "*Re-Elect Michelle McLeod.*"

Based on our findings staff has determined that, in this instance, insufficient evidence supports a finding of a violation that warrants further investigation.

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 Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Michelle McLeod