



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

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**Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

October 25, 2019

Delivered electronically to [cowlitzdemocrats@gmail.com](mailto:cowlitzdemocrats@gmail.com) and [summeroneill@gmail.com](mailto:summeroneill@gmail.com)

Subject: Complaint filed by Christen Ellis, PDC Case 57294

Dear Summer O'Neill:

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

As noted in the letter to Christen Ellis, 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, contact Alice Fiman at (360) 586-4746, toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s

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Alice Fiman  
Compliance Officer

Endorsed by,

/s

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Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director



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October 25, 2019

Delivered electronically to Christen Ellis

Subject: Complaint regarding Summer O'Neill, PDC Case 57294

Dear Christen Ellis:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed Sept. 10, 2019. The complaint alleged Cowlitz County Democrat Central Committee Chairperson Summer O'Neill may have violated RCW 42.17A.320 by failing to include sponsor identification on political advertising and RCW 42.17A.335 for political advertising that contains false statements constituting libel or defamation.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements and the response provided by Summer O'Neill, to determine whether the record supports a finding of one or more violations.

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

**Allegation One: RCW 42.17A.320 by failing to include sponsor identification on political advertising**

- WAC 390-18-030(4) states: Political advertising created and distributed by an individual using their own modest resources is not required to provide the disclosures in RCW 42.17A.320, when all of the following criteria are satisfied:
  - (a) The individual spends in the aggregate less than one hundred dollars to produce and distribute the advertising or less than fifty dollars to produce and distribute online advertising;
  - (b) The individual acts independently and not as an agent of a candidate, authorized committee, political committee, corporation, union, business association, or other organization or entity;
  - (c) The advertising is not a contribution under RCW 42.17A.005 (16)(a)(ii) or (iii) or WAC 390-05-210;

- (d) The individual does not receive donations, contributions, or payments from others for the advertising, and is not compensated for producing or distributing the advertising; and
- (e) The advertising is either:
  - • A letter, flier, handbill, text, email or other digital communications from the individual that does not appear in a newspaper or other similar mass publication (except for letters to the editor and similar communications addressed in WAC 390-05-490(4)); or
  - • Disseminated on the individual's social media site, personal web site, or an individual's similar online forum where information is produced and disseminated only by the individual.
- In her response, O'Neill stated "I will take responsibility, as an individual, for the images attached. They were created using a free, open-source, readily available, online software program and distributed via personal Facebook accounts. As an individual, I did not act on behalf on any candidate, committee or party in the creation or distribution of the images. I did not receive or spend funds for the creation or distribution of the images."
- O'Neill then listed the remaining exemptions listed in WAC 390-18-030(4).

**Allegation two: RCW 42.17A.335 for political advertising that contains false statements constituting libel or defamation**

- 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 response, O'Neill stated "On August 28, 2019 Spencer Boudreau finally filed his C-4 reports for May through July of 2019 (and still has not reported for the expense of his signs). These reports included an expenditure to "Washington Social Couceling" by which I am under the impression he meant "Washington Social Consulting" since no "Washington Social Counseling" is listed with the Secretary of State. The SOS also stated a DBA name of "Cowlitz Citizen Update" which has since been removed. Please see screen shot attached of business name. Spencer Boudreau is the public face of "Cowlitz Citizen Update", a Facebook "news" page which prominently features Spencer Boudreau as the video "host".
- 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 violation of failing to include sponsor identification on political advertising and political advertising that contains false statements about a candidate constituting libel or defamation, does not amount to a violation warranting 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, contact Alice Fiman at 1-360-586-4746 or toll-free at 1-877-601- 2828, or by e-mail [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

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Alice Fiman  
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