



**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

November 4, 2019

Delivered electronically to “egan@pridefest.org, josie@bluewavepolitics.com”

Subject: Complaint filed by Andrew Saturn, PDC Case 58674

Dear Egan Orion:

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

As noted in the letter to Andrew Saturn, the PDC has dismissed this matter in accordance with RCW 42.17A.755 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 Tabitha Townsend at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s

Tabitha Townsend
Compliance Coordinator

/s

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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November 4, 2019

Delivered electronically to "saturn@gmail.com"

Subject: Complaint regarding Egan Orion, PDC Case 58674

Dear Andrew Saturn:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 15, 2019. The complaint alleged that Egan Orion (Respondent), a Candidate for City Council Member for City of Seattle may have violated RCW 42.17A.335 for false or defamatory statements in political advertisements.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by the Respondent 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 represents endorsement of the candidate when the endorsement was not given.
- 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 evidence presented does not show by clear and convincing evidence that the Respondent sponsored, with actual malice, a false statement about his own endorsement with the intent to libel or defame a candidate.

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 Tabitha Townsend at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

/s

Tabitha Townsend
Compliance Coordinator

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: Egan Orion