



**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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

December 5, 2019

Delivered electronically to "patrickwburch@gmail.com"

Subject: Complaint filed by Brad Mertens, PDC Case 59350

Dear Patrick Burch:

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

As noted in the letter to Brad Mertens, 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.

PDC staff is reminding you about the importance of timely receiving reimbursement for joint expenditures and completely and accurately disclosing sponsor identification on political advertising. PDC staff expects you to timely, completely, and accurately comply with PDC laws and rules in the future.

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](mailto: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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December 5, 2019

Delivered electronically to "brad.mertens@comcast.net"

Subject: Complaint regarding Patrick Burch, PDC Case 59360

Dear Brad Mertens:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 29, 2019. The complaint alleged that Patrick Burch, a 2019 candidate for Fire Commissioner for Spokane Fire Protection District 01, may have violated RCW 42.17A.430 for unauthorized contributions from active candidate funds to support other candidate campaigns; RCW 42.17A.255 for failure to disclose independent expenditures in support of other candidate campaigns; RCW 42.17A.320 for failure to disclose proper sponsor identification on political advertising.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the responses provided by the Respondent; the applicable PDC reports filed by the Respondent; and queried the Respondent's 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:

- The Respondent paid for two Facebook ads which, in whole or in part, solicited votes or financial support for Ron Schmidt, another 2019 candidate for election to the office of Fire Commissioner for Spokane Fire Protection District 01, presenting to the public beginning October 7, 2019.
- WAC 390-16-234 allows for candidates to transfer campaign funds to another candidate without violating RCW 42.17A.430(8) provided the transferred funds are transferred within two business days of the expenditure.
- On October 31, 2019, the Respondent paid \$31.95 for the value of the two ads, one of which supported both candidacies in equal measure, and was reimbursed by Ron Schmidt on November 16, 2019, for the pro rata value of \$28.70, over 10 business days after the expenditure was made.
- As Ron Schmidt reimbursed the Respondent for the pro rata value of the advertising, the Respondent did not make an independent expenditure subject to the reporting provisions of RCW 42.17A.255.
- The Respondent failed to include sponsor identification on the Committee to Reelect Patrick Burch page, as required by RCW 42.17A.320, and amended the cover photo to disclose the required sponsor identification information on November 15, 2019, after the General Election.
- The Respondent has no prior violations of PDC laws and rules.

Based on our findings staff has determined that, in this instance, failure to timely receive reimbursement for a joint expenditure within two business days, and failure to disclose sponsor identification on a candidate campaign Facebook page, do not amount to violations that warrant further investigation.

PDC staff is reminding Patrick Burch about the importance of timely receiving reimbursement for joint expenditures and completely and accurately disclosing sponsor identification on political advertising. PDC staff expects Patrick Burch to timely, completely, and accurately comply with PDC laws and rules in the future.

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](mailto:pdcc@pdc.wa.gov).

Sincerely,

/s

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Fox Blackhorn  
Compliance Coordinator 2

Endorsed by,

/s

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Barbara Sandahl  
Deputy Director  
For Peter Lavalley  
Executive Director

cc: Patrick Burch