



**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)**

November 25, 2019

Delivered electronically to "d1forlisa@gmail.com"

Subject: Complaint filed by Phillip Tavel, PDC Case 59370

Dear Lisa Herbold:

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

As noted in the letter to Phillip Tavel, 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](mailto:pdcc@pdcc.wa.gov).

Sincerely,

Endorsed by,

/s

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Fox Blackhorn  
Compliance Coordinator 2

/s

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Barbara Sandahl  
Deputy Director  
For Peter Lavalley  
Executive Director



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November 25, 2019

Delivered electronically to “[ptavel@gmail.com](mailto:ptavel@gmail.com)”

Subject: Complaint regarding Lisa Herbold, PDC Case 59370

Dear Phillip Tavel:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 28, 2019. The complaint alleged that Lisa Herbold (Respondent), a 2019 candidate for Seattle City Council, may have violated RCW 42.17A.335 for sponsoring with actual malice, false statements of material fact in political advertising, constituting libel per se, about Candidate Phil Tavel.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; and 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:

- The Respondent sponsored mailed political advertising opposing your candidacy, citing a series of financial events with you or businesses where you served as a Governor, including failed businesses, stiffed contractors, unpaid fines, bounced checks, and tax liens, with a series of sources purporting to validate the claims.
- Your complaint states that the businesses at issue were administratively dissolved, not shut down, that financial liabilities incurred by businesses were not liabilities incurred by you personally, and the traffic infraction fines at issue were paid by the time of publication.
- The response to the allegations asserts that administrative dissolution effectively shuts down a business, that you served as a governor for each of the business that incurred financial liabilities, and the traffic infraction fines went unpaid and went to collections, providing documentation to support the claims.
- RCW 42.17A.335 prohibits any person from sponsoring with actual malice, false statements of material fact about a candidate which constitutes libel or defamation per se; any violation of RCW 42.17A.335 must be proven by clear and convincing evidence, which is the civil equivalent of beyond a reasonable doubt.
- RCW 42.17A.005(1) defines actual malice as, “*to act with knowledge of falsity or with reckless disregard as to truth or falsity.*”
- The evidence provided does not prove by clear and convincing evidence that the Respondent sponsored false statements of material fact with actual malice about you, constituting libel per se.

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 [fdc@fdc.wa.gov](mailto:fdc@fdc.wa.gov).

Sincerely,

Endorsed by,

/s

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Fox Blackhorn  
Compliance Coordinator 2

/s

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Barbara Sandahl  
Deputy Director  
For Peter Lavalley  
Executive Director

cc: Lisa Herbold