



**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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

November 22, 2019

Delivered electronically to “kendra@choozle.com”

Subject: Complaint filed by Tallman Trask, PDC Case 59523

Dear Choozle, Inc.:

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

As noted in the letter to Tallman Trask, 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.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure timely facilitating public inspection of documents and books of account for political advertising and electioneering communications targeting elections in Washington State. PDC staff expects you to facilitate timely and complete access to books of account in the future. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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 pdc@pdc.wa.gov.

Sincerely,

Endorsed by,

/s

Fox Blackhorn
Compliance Coordinator 2

/s

Peter Lavalley
Executive Director



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November 22, 2019

Delivered electronically to “tallman.trask@gmail.com”

Subject: Complaint regarding Choozle, Inc., PDC Case 59523

Dear Tallman Trask:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 30, 2019. The complaint alleged that Choozle, Inc. (Respondent), a commercial advertiser, may have violated RCW 42.17A.345 and WAC 390-18-050 for failure to provide documents and books of account detailing the exact nature and extent of political advertising services rendered, within 24 hours of request from any person.

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

- On October 27, 2019, you made a request to view the Respondent’s books of account for sale of “*at least \$11,300 in political ads to a company doing business as Western Consultants, LLC, which was acting on behalf of a Washington state political committee.... and any other Washington state political ads Choozle has sold during calendar years 2018 or 2019, as required by RCW 42.17A.345 and WAC 390-15-080 [sic].... I request that Choozle supply these records as quickly as is possible and no later than November 4, 2019.*”
- On October 30, 2019, you filed a complaint with the PDC, stating “[w]hile it is possible that Choozle will respond to my email prior to the November 4 date included in my email, the lack of response from Choozle appears to potentially be in violation of at least the “promptly, upon request” requirements in both WAC 390 [sic].”
- On October 31, 2019, Kendra Rizzo, Director of Advertising Technology for the Respondent replied to you and to PDC staff confirming that they would meet the November 4 deadline provided in the original request.
- On November 1, 2019, the Respondent indicated that they would no longer “*permit digital advertising for state and local candidate elections, ballot measures, or political-based campaigns in the state of Washington, effective November 1st, 2019.*”
- On November 1, 2019, the Respondent also provided both you and PDC staff with a production of their books of account for all political advertising targeting Washington State, indicating that they were unable to locate WAC 390-15-080, but would comply with the requirements of RCW 42.17A.345.
- The information provided by the Respondent complied with most of the requirements of RCW 42.17A.345 and WAC 390-18-050, with limited exceptions:

- The address of the political committee was provided via a link to their campaign page on the PDC’s website, which hosts each committee’s registration and contact information.
- The exact nature and extent of services was lacking detail about specific services utilized by the committees for which a charge was associated.
- The name of the candidate or ballot measure supported or opposed, and whether the advertising or communication supports or opposes that candidate or ballot measure was not disclosed.
- No federal Employee Identification Number (EIN) or other verifiable identification was disclosed for entities.
- No information was disclosed concerning the amount of the advertising that was paid, as updated, who made the payments, or when they were paid.
- No copies of the political advertisings or electioneering communications themselves were disclosed.
- No demographics of the audiences reached, to the extent such information is collected by the commercial advertiser as part of its regular course of business, was disclosed.
- On November 4, 2019, PDC staff requested supplemental information to meet these additional requirements for disclosure in accordance with RCW 42.17A.345 and WAC 390-18-050, by no later than November 18, 2019.
- On November 15, 2019, the Respondent provided a supplemental production containing all of the missing information required by RCW 42.17A.345 and WAC 390-18-050, clarifying that they do not collect demographics of audiences reached in their ordinary course of business, which staff then forwarded on to you.
- The Respondent made good-faith efforts to comply and has no prior violations of PDC laws or rules.

Based on our findings, staff has determined that, in this instance, failure to provide access to documents and books of account for commercial advertising within 24 hours of request does not amount to a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), Choozle, Inc. will receive a formal written warning concerning failure to timely facilitate public inspection of documents and books of account for political advertising and electioneering communications targeting elections in Washington State. The formal written warning will include staff’s expectation that Choozle, Inc. facilitates timely and complete access to books of account in the future. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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).

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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.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Peter Lavalley
Executive Director

cc: Choozle, Inc.