



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

January 6, 2020

Delivered electronically to “pwhidbee@perkinscoie.com”

Subject: Complaint filed by Craig Keller, PDC Case 60458

Dear Paige L. Whidbee, Perkins Coie LLP, representing Washington Fairness Coalition

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

As noted in the letter to Craig Keller, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning Washington Fairness Coalition’s failure to comply with the requirements noted in the enclosed letter sent to Craig Keller. Staff expects the committee to include complete sponsor identification, specifically the top five contributors required by statute, on all political advertisements it sponsors in future years. 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, contact Alice Fiman toll-free at 1-877-601-2828 or by e-mail at pdc@pdc.wa.gov

Sincerely,

/s _____
Alice Fiman
Compliance Officer

Endorsed by,
/s _____
Peter Lavalley
Executive Director



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January 6, 2020

Delivered electronically to craig@craigkeller.us

Subject: Complaint regarding Washington Fairness Coalition, PDC Case 60458

Dear Craig Keller:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed November 4, 2019. Your complaint alleged Washington Fairness Coalition, a 2019 Ballot Proposition Committee supporting Referendum 88, may have violated RCW 42.17A.320 by failing to provide sponsor identification in political advertising.

To determine whether the record supports a finding of one or more violations, PDC staff reviewed: the allegations; the applicable statutes, rules, and reporting requirements; the audio file you provided; and the response from Paige L. Whidbee of Perkins Coie LLP, counsel for Washington Fairness Coalition. Based on staff's review, we found the following:

- Washington Fairness Coalition (Committee) filed a Committee Registration with the PDC as a Ballot Proposition Committee on August 8, 2019.
- RCW 42.17A.320 requires the following statement clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: "No candidate authorized this ad. Paid for by (name, city, state)." If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: "Top Five Contributors" followed by a listing of the names of the five persons making the largest contributions as determined by RCW 42.17A.350(1); and if necessary, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three individuals or entities, other than political committees, making the largest aggregate contributions to political committees as determined by RCW 42.17A.350(2). Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.
- In response to the complaint, Whidbee stated, "Upon further review, WFC acknowledges that the automated calls mistakenly omitted any explicit disclosure that WFC was a

sponsor or list WFC's top five contributors. WFC sincerely regrets these inadvertent omissions. Any violation of RCW 42.17A.320 was unintentional.”

It appears the omission of sponsor identification, including the top five contributors was unintentional and not purposely omitted to mislead the public. The identity of the top five contributors was available to the public on the committee's Monetary Contribution (C-3) reports submitted prior to the advertisements being presented to the public. In addition, the committee has included appropriate expenditure details on Receipts and Expenditures Summary (C-4) reports.

Although Washington Fairness Coalition has no previous violations of RCW 42.17A, the committee employs a professional treasurer and is aware of the sponsor identification requirements for political advertisement it sponsors.

Based on our findings staff has determined that, in this instance, failure to include the top five contributors on these advertisements does not amount to a finding of a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Washington Fairness Coalition will receive a formal written warning concerning failure to include complete sponsor identification, specifically the top five contributors required by statute, on political advertisements it sponsored. The formal written warning will include staff's expectation that the committee includes complete sponsor identification on all political advertisement it sponsors 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).

If you have questions, contact Alice Fiman toll-free at 1-877-601-2828 or by e-mail at fdc@fdc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Peter Lavalley
Executive Director