

Respondent Name
Mike Courts
Complainant Name
Alana K. Bullis
Complaint Description
<p><u>Alana-akblaw</u> reported via the portal Sun, 1 Dec 2019 at 4:31PM</p> <p>Violations of the Fair Campaign Practices Code (“FCPC”), WAC 390-32 by Mike Courts, Candidate for Mayor of DuPont, 2019 Washington General Election</p> <p>PDC.Complaint.Courts.Exhibits.pdf 3.38 MB</p> <p>PDCComplaint.Courts.pdf 255.03 KB</p>
What impact does the alleged violation(s) have on the public?
Violations of public trust by intentional misrepresentation of military qualifications and failure to condemn personal attacks against an opponent and the opponent's supporters, which were designed to prevent the free expression of speech.
List of attached evidence or contact information where evidence may be found
Letter of complaint and attached exhibits 1-22
List of potential witnesses with contact information to reach them
<p>Alana K. Bullis</p> <p>Ronald Frederick</p> <p>Mike Courts, current Mayor of DuPont, City Hall</p> <p>David Maestas, resides in Lacey</p> <p>And other witnesses identified by name in exhibits 1-22 (contact may be made through Alana K. Bullis)</p>
Certification (Complainant)
I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

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November 21, 2019

Public Disclosure Commission
711 Capitol Way S. #206
P.O. Box 40908
Olympia, WA 98504-0908

RE: Complaint for Alleged Violations of the Fair Campaign Practices Code, WAC 390-32
Mike Courts, Candidate for Mayor of DuPont, 2019 Washington General Election

Dear Sir or Madam:

Please accept this letter as a formal complaint to the Public Disclosure Commission (“PDC”) regarding alleged violations of the Fair Campaign Practices Code (“FCPC”), WAC 390-32, by Mike Courts, candidate for mayor of DuPont in the 2019 Washington General Election.

I. BRIEF STATEMENT OF FACTS

On August 20, 2019, Pierce County issued its Final Report for the Primary Election held on August 6, 2019.¹ Mike Courts received 29.29% of the votes and his opponent, Ronald Frederick, received 61.85% of the votes.²

As part of his re-election campaign, Mr. Courts participated in a series of interviews with David (Dave) Maestas of Discover DuPont in August 2019.³ Mr. Maestas is a self-described “journalist.”⁴

Upon information and belief, Mr. Maestas is the admin for a slew of Facebook (“FB”) pages that sprung up in early September 2019, created for the sole purpose of spreading disinformation regarding the elections in DuPont and for attacking Mr. Courts’ opponent, Mr. Frederick, and Mr. Frederick’s supporters.

¹ <https://www.piercecountywa.gov/DocumentCenter/View/82946/Summary-Results-PDF?fbclid=IwAR2y2M-C0u25igCAulGENp5b5KZGPoZNAC-GzxRQ0-u43XWVTgbVbsRMHLE>

² Id.

³ <http://www.discoverdupont.com/directory/an-interview-with-mayor-michael-courts-article-121.aspx>

⁴ <https://www-1.thenewstribune.com/news/politics-government/election/article236379303.html>

The FB pages allegedly created and administered by Mr. Maestas are: (1) Dupont Fighting Back, created 9/12/19;⁵ (2) Dupont Christians;⁶ (3) Save Dupont;⁷ and (4) Veterans for Dupont, created 9/21/19.⁸ Upon information and belief, Mr. Maestas is also the admin for the FB page Army Rangers/SF Green Berets.⁹ All the foregoing sites posted false information and personal attacks against Mr. Frederick and his supporters.

Mr. Maestas denies that he is the admin for any of the FB pages listed above,¹⁰ even after many citizens claim that he inadvertently “outed” himself as the admin of the pages by posting comments to the pages from his personal Dave Maestas account, only to realize his mistake, delete the post, and then re-post the same comments as the admin of the pages. For example, in a back-and-forth exchange with FB user Julian Santini, Mr. Maestas inadvertently revealed himself to be the admin of Dupont Fighting Back, which the DuPont News discovered and posted to its FB page. **Exhibit 3.**¹¹

It is significant to note that Mr. Maestas was a Committee Officer on behalf of the Campaign of Michael Steadman, 2019 candidate for Thurston County Commissioner.¹² Thus, Mr. Maestas should be familiar with PDC rules and regulations with respect to campaign conduct.

II. ALLEGED VIOLATIONS OF THE FCPC BY MR. COURTS

A. Intentional Misrepresentation of Military Record

With respect to candor, sincerity, and truthfulness in presenting a candidate’s record, the relevant provisions of the FCPC provides:

I shall conduct my campaign, and to the extent reasonably possible shall insist that my supporters conduct themselves, in a manner consistent with the best American tradition, discussing the issues and presenting my record and policies with sincerity and candor. WAC 390-32-010(1).

I shall not use or authorize, and I shall condemn material relating to my campaign which falsifies, misrepresents, or distorts the facts, including but not limited to malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate. WAC 390-32-010(4).

For a period of time in early September 2019, Mr. Courts falsely implied that he was a U.S. Army Ranger when, in fact, he was not. Mr. Courts’ situation in the foregoing respect is similar to that of former Veterans Affairs Secretary Robert McDonald in that Courts and McDonald

⁵ <https://www.facebook.com/DupontFightingBack/>. Also at <https://www.dupontfightingback.com/blog/dupont-fighting-back>

⁶ Facebook page now deleted, but reference to page at **Exhibit 1**.

⁷ Facebook page now deleted, but reference to page at **Exhibit 2**.

⁸ <https://www.facebook.com/VeteransforDupont/>

⁹ <https://www.facebook.com/RangersandSF/>

¹⁰ <https://www-1.thenewstribune.com/news/politics-government/election/article236379303.html>

¹¹ Offensive language redacted. <https://www.facebook.com/dupontnews/> 9/28/19.

¹² <https://web.pdc.wa.gov/rptimg/default.aspx?docid=4783632>

were graduates of West Point, they claimed to be members of the elite special forces, yet neither man actually joined the special forces.¹³

On September 2, 2019, the FB page Army Rangers/SF Green Berets (“Army Rangers”) published a post stating that “2/75¹⁴ Ranger is running for re-election in Dupont (sic) (just outside of JBLM)...” The foregoing post provided a link to Mr. Courts’ FB re-election page. The Army Rangers’ post clearly identified Mr. Courts as a 2/75 *Ranger* (emphasis added). **Exhibit 4.**

Rather than correct the post to clarify that he was *not* an Army Ranger, but that he was merely detailed to a Ranger Battalion, Mr. Courts responded to the post with a ❤️. **Exhibit 5.**

Importantly, Mr. Courts was aware that he had the support of the Army Rangers with respect to his campaign for re-election. **Exhibit 6.**

The Army Rangers’ post that identified Mr. Courts as a 2/75 Ranger caused confusion with DuPont voters as to whether Mr. Courts was indeed a Ranger. **Exhibit 7.** When questions arose as to Mr. Courts’ status as a Ranger, the Army Rangers confirmed that Mr. Courts was a Ranger because it had “seen his OERs (Officer Evaluation Reports).” **See Exhibit 8.** Further, Councilman Kevin Ballard publicly declared that “the Mayor was a US Army Ranger.” **Exhibit 9.** Councilman Ballard later retracted the foregoing declaration. **Exhibit 10.** However, Mr. Courts remained silent on the issue until I posed the question to him on his re-election page regarding his status as a Ranger. **Exhibit 11.** Mr. Courts responded as follows:

AK Bullis I spent 18 months while assigned to an Air Defense Battalion detailed to 2/75th Ranger Battalion as the Air Defense LNO and Stinger Section leader. I was privileged to train and go on training deployments with the Ranger Battalion. For the remainder of my 30 year[sic] career I was an Aviator, primarily in attack helicopter units.

Exhibit 12.¹⁵

Even when presented with the public opportunity to deny that he was a Ranger, Mr. Courts declined to do so from his foregoing response to my question on his re-election page. Mr. Courts stated that he was detailed to the 2/75th Ranger Battalion for 18 months and then completed the remainder of his 30-year military career as an Aviator. Mr. Courts’ response could reasonably be interpreted that with the exception of the 18-month period where he was detailed to the 2/75th Ranger Battalion, implicitly as a Ranger, he was an Aviator for the remainder of his 30-year military career. **See Exhibit 12.**

Since Mr. Courts did not expressly deny that he was a Ranger, I further asked if he had attended the Ranger Assessment and Selection course (“RASP”) or if he was a graduate of the Ranger School. Mr. Courts replied:

¹³ <https://www.cbsnews.com/news/although-v-a-secretary-confesses-misstatement-many-veterans-still-angered/>

¹⁴ Second Battalion (Ranger), 75th Infantry, activated at Joint Base Lewis-McChord (“JBLM”), WA, on October 1, 1974. 2/75 is the second of three Ranger battalions belonging to the U.S. Army’s 75th Ranger Regiment.

¹⁵ Verbatim statement from Mr. Courts on his FB re-election page, which was removed after the general election.

AK Bullis There was no RASP back in those days and I am not a Ranger School graduate. The author of that post may have inadvertently caused the confusion but we have set the record straight.

Exhibit 13.

DuPont citizens were disappointed to learn that Mr. Courts falsely represented himself to be a Ranger when he knew that he was not. **Exhibit 14.**

II. Failure to Condemn Untruthful Personal Vilification, Defamation, and Attacks on Opposing Candidate and/or his Supporters

With respect to a candidate's condemnation of practices which are untruthful, defamatory, or personally vilifies an opposing candidate or party, the relevant provision of the FCPC provides:

I shall not participate in, and I shall condemn, personal vilification, defamation, and other attacks on any opposing candidate or party which I do not believe to be truthful, provable, and relevant to my campaign. WAC 390-32-010(3).

On September 24, 2019, Mr. Courts, on his FB re-election page, denounced a new FB page called Families Fighting for DuPont. Mr. Courts stated that the foregoing page, which negatively targeted his opponent, Mr. Frederick, may have been created by a "Jeffery Ballard," a fake FB profile of an alleged DuPont citizen. **Exhibit 15.**

Since Mr. Courts appeared inclined to disavow FB pages which negatively, and falsely, targeted his opponent and his opponent's supporters, I asked Mr. Courts if he would also denounce the FB pages which were allegedly created and administered by Mr. Maestas. **Exhibit 16.**

The attacks on Mr. Frederick's supporters were shocking, distressing, false, and/or accused some supporters of unlawful behavior:

A. Krista Novak

Dupont Fighting Back accused Ms. Novak of libel and of violating the Hatch Act. It also accused Ms. Novak of having a mental health issue. **Exhibit 17.**

B. Maria Guidaitis

Dupont Fighting Back accused Ms. Guidaitis of libel and mental instability. **Exhibit 18.**

C. Lee and Phil Chase

Army Rangers/SF Green Berets harassed Lee and Phil Chase throughout Lee Chase's campaign, accusing Phil Chase of slandering veterans.¹⁶ **Exhibit 19.**

¹⁶ In addition to campaigning for City Council, Mr. Lee Chase was a supporter of Mr. Frederick.

D. James Marlow

Dupont Fighting Back falsely accused Mr. Marlow of claiming that Mr. Courts was a racist or a white nationalist and stated that a copy of its article would be sent to JBLM authorities regarding its accusation against Mr. Marlow. **Exhibit 20.**

E. Mike Brown

Dupont Fighting Back falsely implied that Mr. Brown is anti-Semitic. **Exhibit 21.**

Unfortunately, rather than denounce the pages, Mr. Courts used the “hide” function available to admins of FB pages to publicly hide my comment, making it visible only to the admin of the page and to me as the original poster. **Exhibit 22.** Thus, Mr. Courts failed to condemn the practices employed by his supporter(s) which were untruthful, defamatory, and/or personally vilified an opposing candidate and his supporters.

III. Failure to Condemn Practices which Undermines Free Expression of Voters

With respect to a candidate’s condemnation of practices which tend to corrupt the system of free election or to prevent the free expression of voters, the relevant provision of the FCPC provides:

I shall not practice, and I shall condemn practices, which tend to corrupt or undermine the system of free election or which hamper or prevent the free expression of the will of the voters. WAC 390-32-010(6).

Mr. Courts failed to condemn the practices employed by his supporter(s) which were intended to corrupt the free expression of DuPont voters. Please see §§ I and II above.

IV. Failure to Repudiate the Support of any Individual or Group which Resorts to Methods in Violation of the FCPC in Support of his Candidacy and in Opposition to his Opponent

With respect to a candidate’s repudiation of supporters who violate the letter or spirit of the FCPC, the relevant provision of the FCPC provides:

I shall promptly and publicly repudiate the support of any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent(s) to methods in violation of the letter or spirit of this code. WAC 390-32-010(7).

Mr. Courts failed to repudiate his supporter(s) who violated the letter or spirit of the FCPC. Please see §§ I and II above.

V. Failure to Insist that Supporters Conduct Themselves with Sincerity and Candor

With respect to a candidate’s insistence that his or her supporters conduct themselves with sincerity and candor, the relevant provision of the FCPC provides:

I shall conduct my campaign, and to the extent reasonably possible shall insist that my supporters conduct themselves, in a manner consistent with the best American tradition, discussing the issues and presenting my record and policies with sincerity and candor. WAC 390-32-010(1).

Mr. Courts failed to represent his military qualifications with sincerity and candor. Additionally, he failed to ensure that his supporter(s) conduct himself/themselves with sincerity and candor. Please see §§ I and II above.

I declare under penalty of perjury under the laws of the State of Washington that information provided in this complaint is true to the best of my knowledge and belief.

Alana K. Bullis

Alana K. Bullis, JD, MBA

Attached
Exhibits as stated