

## Complaint Description

Steve Finley (Thu, 5 Dec 2019 at 11:33 AM)

I made a request to inspect records of thousands of campaign mailers printed for Mercer Islanders for Sustainable Spending by FedEx located at 40 Bellevue Way, Bellevue, WA 98004.

I made the request to Angela (the manager) on October 18, 2019 by phone according to an email I sent to the PDC. Her phone number is 425-451-1055.

I was denied the opportunity. I contacted the PDC and your staff informed FedEx of their responsibility under the law and they still refused to let me see the records. Lawyers representing FedEx (formally Kinko's) have exchanged several letters and/or emails with FedEx's lawyers.

FedEx has offered to send me some of the information via email but what they have sent may be incorrect because dates do not match C-4 & C-6 reports filed by MISS.

This complaint is against the "printing" division of FedEx, not the package delivery division.

Also, the complaint is not about small print jobs or copies. It is about mailers that are sent to thousands and thousands of households.

Finally, the exchange of letters between lawyers were between FedEx and the PDC's lawyer.

## What impact does the alleged violation(s) have on the public?

The public was denied the opportunity to know what Mercer Islanders for Sustainable Spending (MISS) was doing because MISS had violated PDC rules by failing to file correct C-4 reports or timely or all C-6 reports and inspecting records at FedEx would be the only way to find out. Some C-6 reports for MISS were filed on November 14, 2019 and 21, 2019 but as of 5 pm on December 4, 2019 some of their C-6 have still not been filed.

## List of attached evidence or contact information where evidence may be found.

The letters between the lawyers and FedEx were sent directly to the PDC as was the response from the PDC to FedEx.

All of the emails were either sent by or sent to Chip Beatty and/or Sean Flynn or there were cc'ed on them.

## List of potential witnesses with contact information to reach them.

Chip Beatty, Kim Bradford, & Sean Flynn of the PDC Staff

## Complaint Certification:

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.

Steve Finley (Thu, 5 Dec 2019 at 11:25 AM)

Here is one of the email chains.

**From:** Steve Finley <[steve-finley@comcast.net](mailto:steve-finley@comcast.net)>  
**Sent:** Wednesday, December 4, 2019 4:08 PM  
**To:** 'Robbins, Maia' <[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)>  
**Cc:** 'Frush, Jim' <[jfrush@corrchronin.com](mailto:jfrush@corrchronin.com)>; 'sean.flynn@pdc.wa.gov' <[sean.flynn@pdc.wa.gov](mailto:sean.flynn@pdc.wa.gov)>; 'chip.beatty@pdc.wa.gov' <[chip.beatty@pdc.wa.gov](mailto:chip.beatty@pdc.wa.gov)>  
**Subject:** RE: Voicemail

I requested information about the mailing done by MISS and reported to the PDC by Mr. Cero on reports he filed with the PDC.

**From:** Robbins, Maia <[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)>  
**Sent:** Wednesday, December 4, 2019 3:44 PM  
**To:** Steve Finley <[steve-finley@comcast.net](mailto:steve-finley@comcast.net)>  
**Cc:** Frush, Jim <[jfrush@corrchronin.com](mailto:jfrush@corrchronin.com)>; [sean.flynn@pdc.wa.gov](mailto:sean.flynn@pdc.wa.gov); [chip.beatty@pdc.wa.gov](mailto:chip.beatty@pdc.wa.gov)  
**Subject:** RE: Voicemail

Mr. Finley,

You requested information specifically pertaining to individual Mike Cero, and that is the information I have provided. As I have relayed to you in my emails, we cannot—and are not required to—produce information apart from services provided to a particular individual. If you are concerned with the C4 forms, we would recommend that you work with the PDC and the MISS on a resolution to those issues.

Maia Robbins

**From:** Steve Finley [<mailto:steve-finley@comcast.net>]  
**Sent:** Wednesday, December 04, 2019 12:43 PM  
**To:** Robbins, Maia <[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)>  
**Cc:** Frush, Jim <[jfrush@corrchronin.com](mailto:jfrush@corrchronin.com)>; [sean.flynn@pdc.wa.gov](mailto:sean.flynn@pdc.wa.gov); [chip.beatty@pdc.wa.gov](mailto:chip.beatty@pdc.wa.gov)  
**Subject:** RE: Voicemail

The information you have provided does not appear to be accurate.

According to the C-4 reports they filed with the PDC for the period of October 15<sup>th</sup> to October 28<sup>th</sup>, they paid for a half page mailer on 10/15; another half page mailer on 10/21; a quarter page mailer on 10/23; and a half page mailer on 10/28. So two are missing and none of them correspond with any of the dates you have listed below.

Also, on their C-4 for the period of September 1<sup>st</sup> to October 14<sup>th</sup> they do not list a mailing on October 13<sup>th</sup>. However, they do list one for October 3<sup>rd</sup>.

**From:** Robbins, Maia <[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)>  
**Sent:** Wednesday, December 4, 2019 11:42 AM  
**To:** Steve Finley <[steve-finley@comcast.net](mailto:steve-finley@comcast.net)>  
**Cc:** Frush, Jim <[jfrush@corrchronin.com](mailto:jfrush@corrchronin.com)>; [sean.flynn@pdc.wa.gov](mailto:sean.flynn@pdc.wa.gov); [chip.beatty@pdc.wa.gov](mailto:chip.beatty@pdc.wa.gov)  
**Subject:** RE: Voicemail

Mr. Finley,

I was able to acquire the remaining information that may be disclosed publicly regarding Mike Cero's orders with FedEx Office. The dates of the transactions and the quantities of items printed and mailed are listed by date below.

**10/13/2019**

2 double-sided printed pages  
2500 pages printed and mailed

**10/24/2019**

14,000 postcards printed  
7,742 postcards (out of the 14,000 printed) mailed

**10/29/2019**

5,524 postcards printed and mailed

This email and our November 21, 2019 email have provided you with all the information to which you are entitled under the Washington statutes and regulations. As such, this transmission completely fulfills our obligations under these requirements.

Sincerely,

Maia Robbins

**From:** Robbins, Maia  
**Sent:** Wednesday, December 04, 2019 8:43 AM  
**To:** 'Steve Finley' <[steve-finley@comcast.net](mailto:steve-finley@comcast.net)>  
**Cc:** Frush, Jim <[jfrush@corrchronin.com](mailto:jfrush@corrchronin.com)>; [sean.flynn@pdc.wa.gov](mailto:sean.flynn@pdc.wa.gov); [chip.beatty@pdc.wa.gov](mailto:chip.beatty@pdc.wa.gov)  
**Subject:** RE: Voicemail

Mr. Finley,

Thank you for your email. I am still in the process of obtaining the quantities of the items printed by Mike Cero and the dates on which the transactions took place, and hope to get you that information by the end of the week.

I wanted to clarify our role in assisting you with obtaining the information you requested in your last email. In regards to your first request, FedEx Office is unable to process requests based on the

content of the materials processed. This is because the content of flyers is not subject to public disclosure under Washington's campaign finance statutes and regulations. Accordingly, I am unable to obtain information regarding mailers or flyers that support specific candidates. If you have the names of the person(s) who purchased and used FedEx Office's services, we can address that request.

We believe the PDC would be best suited to address your issues with the disclaimer. As we spoke about on the phone last week, assuming FedEx Office is a commercial advertiser—which it disputes—in accordance with WAC 390-18-050 and RCW 42.17A.345, FedEx Office need only disclose limited information to the public. This information exhaustively includes: the name and address of the person using the service, the nature and extent of the service rendered, the costs and method of payment for the service, the quantity of items printed or mailed, and the dates on which the transactions for these services took place. Thus, any information beyond the aforementioned is not subject to public disclosure, including any information contained on items printed and mailed by FedEx Office, such as the disclaimer you listed. If you are concerned with the disclaimer, we would recommend you contact the PDC and work with them and the Mercer Islanders for Sustainable Spending on a resolution to those issues.

Thank you,

Maia Robbins

**From:** Steve Finley [<mailto:steve-finley@comcast.net>]

**Sent:** Wednesday, November 27, 2019 10:08 AM

**To:** Robbins, Maia <[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)>

**Cc:** Frush, Jim <[jfrush@corrchronin.com](mailto:jfrush@corrchronin.com)>; [sean.flynn@pdc.wa.gov](mailto:sean.flynn@pdc.wa.gov); [chip.beatty@pdc.wa.gov](mailto:chip.beatty@pdc.wa.gov)

**Subject:** RE: Voicemail

Here is the name of the other Mercer Island candidate who had mailers printed at the FedEx in Bellevue – Daniel Thompson.

In addition to supporting Jake Jacobson, I would like to know what mailers paid for by Mercer Islanders for Sustainable Spending (MISS) supported Dan (or Daniel) Thompson; Jon Hanlon; Lisa Anderl; and Heather Jordan Cartwright in addition to Jake Jacobson. Or opposed Dave Rosenbaum, Wendy Weiker, Patrick Allcorn, Craig Reynolds, or Debbie Bertlin. It is my understanding that there was at least one mailing that promoted all five of them.

Also, MISS was an independent expenditure committee and the law says it must include a disclaimer pointing that out. This disclaimer must read:

**“No candidate authorized this ad. It is paid for by (name and address of committee). Top 5 contributors: (list of contributors).”**

I would like to know what mailing this full disclaimer appears on all of the mailers paid for by MISS and who the top five contributors are on all of them. This information can change as more contributions are accepted.

Below are links to the PDCs website for the C-4 forms filed by MISS. There are at least five mailings. However, because they have not filed reports on time or accurately there may be more.

<http://web.pdc.wa.gov/rptimg/default.aspx?repno=100942341>

<http://web.pdc.wa.gov/rptimg/default.aspx?repno=100937656>

Thank you.

**From:** Robbins, Maia <[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)>  
**Sent:** Wednesday, November 27, 2019 9:37 AM  
**To:** Steve Finley <[steve-finley@comcast.net](mailto:steve-finley@comcast.net)>  
**Cc:** Frush, Jim <[jfrush@corrchronin.com](mailto:jfrush@corrchronin.com)>  
**Subject:** RE: Voicemail

Hi Mr. Finley,

Thank you for speaking to me on the phone this morning! As we discussed, it is FedEx Office's position that we do not qualify as a "commercial advertiser" for the purposes of disclosing campaign finance information to the public. However, I am in the process of acquiring the information regarding the quantities of items that were printed and mailed by Mike Cero that you have requested in accordance with WAC 390-18-050. And, as we discussed, if you seek information regarding other individuals, you may email me a list of specific individuals and FedEx office will review the request.

I will be in touch with you once I have acquired this information from FedEx Office, likely Friday afternoon or early next week.

Thank you for your patience in my response to your original email, and have a great Thanksgiving!

Maia

**From:** Steve Finley [<mailto:steve-finley@comcast.net>]  
**Sent:** Tuesday, November 26, 2019 10:36 AM  
**To:** Robbins, Maia <[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)>  
**Subject:** RE: Voicemail

Understand completely.

Sometime before 11 am on Wednesday works for me.

**From:** Robbins, Maia <[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)>  
**Sent:** Tuesday, November 26, 2019 10:23 AM  
**To:** [steve-finley@comcast.net](mailto:steve-finley@comcast.net)  
**Subject:** Voicemail

Mr. Finley,

I received your voicemail but am in a mediation all day today and will be unable to call back until tomorrow. I apologize for the delay. I will give you a call tomorrow morning sometime before 11 if that works for you. Please let me know.

**Maia Robbins** | Attorney

**CORR CRONIN | LLP**

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