



**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

October 26, 2020

Delivered electronically to dan@danbradylaw.com and tyler@enterprisewashington.org

Subject: Complaint filed by Robin Farris, PDC Cases 74881 and 74882

Dear Dan Brady:

Below is a copy of an electronic letter sent to Robin Farris concerning complaints filed with the Public Disclosure Commission (PDC).

As noted in the letter, 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, 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

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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October 26, 2020

Delivered electronically to r.jo.farris@gmail.com

Subject: Complaint regarding Enterprise Washington, PDC Cases 74881 and 74882

Dear Robin Farris:

The Public Disclosure Commission (PDC) has completed its review of the complaints you filed August 11, 2020. The complaints alleged People for Jobs Enterprise Washington and South Sound Future Enterprise Washington (Committees) each violated RCW 42.17A.335(1)(a) by sponsoring political advertising, specifically mailers, that included a false statement of material fact about a candidate for public office, stating Julie Door, a 2020 candidate for State Senate from the 25th Legislative District (Candidate), voted to increase sales taxes.

PDC staff reviewed the allegations, evidence you provided, applicable statutes and rules and the response provided by Dan Brady, Attorney for Enterprise Washington, to determine whether the record supports a finding of one or more violations.

Based on staff's review, we found:

- RCW 42.17A.335 prohibits a person from sponsoring, with actual malice, a false statement of material fact about a candidate for public office that constitutes libel or defamation per se. The violation must be proven by clear and convincing evidence.
- Julie Door is a Puyallup City Council member and, in December 2019, supported Resolution No. 2395 to utilize taxpayer funds collected through a sales and use tax to expand affordable housing. The resolution articulated “the intent of the city council to adopt legislation to authorize a sales and use tax for affordable and supportive housing in accordance with substitute house bill 1406. In addition, Door voted in January 2020 to approve an ordinance creating “a code section laying the foundation for the collection of tax monies from the state” to be used for affordable housing.”
- In response, Brady stated “No false statement of material fact under RCW 42.17A.335(1)(a) has been made, the high standards defining “libel or defamation per se” on RCW 42.17A.335(2) have not been met, and the clear and convincing standard of proof required under RCW 42.17A.335(4) has not been met.”

- While it appears Resolution No. 2395 did not increase sales taxes or authorize the collection of additional sales taxes, in light of Door's support for Resolution No. 2395, and support for an ordinance laying the foundation for the collection of tax monies, there is not clear and convincing evidence that the statement made by People for Jobs Enterprise Washington and South Sound Future Enterprise Washington was made with actual malice.

Based on these findings staff has determined, in this instance, the alleged violation of RCW 42.17A.335(1)(a) does not amount to a violation warranting 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, contact Alice Fiman toll-free at 1-877-601- 2828, or by e-mail fdc@fdc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director