



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](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

September 28, 2021

Sent electronically to [jweymer@tacomaweekly.com](mailto:jweymer@tacomaweekly.com) and [mnagle@tacomaweekly.com](mailto:mnagle@tacomaweekly.com)

Tacoma Weekly  
ATTN: John Weymer and Matt Nagle, Publishers  
6812 27th St. W  
University Place, WA 98466

Subject: Commission Final Order, Tacoma Weekly, PDC Case 77415

Dear John Weymer and Matt Nagle:

Enclosed is a copy of the Public Disclosure Commission's Final Order Imposing Fine that was entered in the above-referenced case concerning the Tacoma Weekly. Also enclosed is a copy of the Stipulation as to Facts, Violations and Penalty that was accepted by the Commission.

At its September 23, 2021 meeting, the Commission found the Tacoma Weekly in violation of RCW 42.17A.480 and assessed a total civil penalty of \$15,000, of which \$7,500 is suspended on the following conditions: (1) the Tacoma Weekly is not found to have committed any further violations of RCW 42.17A or WAC 390, as detailed in the Stipulation, within four years of the date of the Commission's Final Order; and (2) the Respondent pays the non-suspended portion of the penalty (\$7,500) within thirty days from the date of the final order.

Please make your \$7,500 check or money order payable to the WA State Treasurer, and mail the payment to the address listed below:

**Public Disclosure Commission  
PO Box 40908  
Olympia, WA 98504-0908**

In the event the Tacoma Weekly fails to meet any of the above terms of this order, the entire \$15,000 penalty will become immediately due without any further intervention of the Commission. If you have questions, please contact Alice Fiman at (360) 584-4746; toll free at (877) 601-2828 or by email at [alice.fiman@pdc.wa.gov](mailto:alice.fiman@pdc.wa.gov).

Sincerely,

Peter Lavallee  
Executive Director

Enclosure: Final Order and Stipulation as to Facts, Violations and Penalty

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8 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
9 **OF THE STATE OF WASHINGTON**

10 In re the Matter of Enforcement Action  
11 Against:

PDC CASE NO. 77415

12 TACOMA WEEKLY,

FINAL ORDER

13  
14 Respondent.  
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16 **I. INTRODUCTION**

17 This matter was heard remotely by the Washington State Public Disclosure Commission  
18 (PDC, Commission) on September 23, 2021, by audio and online streaming. The hearing was  
19 held pursuant to Chapter 34.05 RCW, Chapter 42.17A RCW, and Chapter 390-37 WAC.

20 Commissioners present both telephonically and online were Fred Jarrett, Commission  
21 Chair (presiding); Nancy Isserlis, Commission Vice-Chair; and Commissioners William  
22 Downing, and Alan Hayward. Also present both telephonically and online were Assistant  
23 Attorney General John S. Meader representing the Commission; Assistant Attorney General  
24 Chad Standifer representing PDC staff; and Alice Fiman, Compliance Officer, for PDC Staff.  
25 John Weymer and Matt Nagle, Publishers for the Tacoma Weekly, also appeared telephonically  
26

1 and online. The proceeding was open to the public as limited by Governor's Order 20-28 *et seq.*  
2 and recorded.

3 The hearing concerned allegations that the Tacoma Weekly violated RCW 42.17A.480  
4 on three occasions by soliciting money from three candidates seeking public office in 2020, as  
5 consideration for an endorsement, article, or other communication from the Respondent  
6 promoting those three candidates in their news publication.

7 The Commissioners had before them the following materials:

- 8 • Report of Investigation for Case #77415 prepared by PDC Compliance Officer Alice Fiman,  
9 dated August 17, 2021, which included:
  - 10 ○ Luke Byram complaint against the Respondent dated September 19, 2020;
  - 11 ○ Evelyn Fielding Lopez complaint against the Tacoma Weekly dated  
12 October 14, 2020;
  - 13 ○ Tacoma Weekly response to the PDC complaints dated October 15, 2020;
  - 14 ○ Statement of Understanding from Javier Figueroa, dated December 30,  
15 2020;
  - 16 ○ Advertising campaign in the Tacoma Weekly for Javier Figueroa;
  - 17 ○ Statement of Understanding from Jason Whalen dated December 28,  
18 2020;
  - 19 ○ Advertising campaign in the Tacoma Weekly for Jason Whalen;
  - 20 ○ Jason Whalen's response to the PDC dated November 12, 2020;
  - 21 ○ Advertising campaign in the Tacoma Weekly for Elizabeth Kreiselmaier;
  - 22 ○ Examples of other advertisements from the Tacoma Weekly;
  - 23 ○ LinkedIn page for the Tacoma Weekly;
  - 24 ○ Tacoma Weekly response to the PDC dated August 21, 2021.
- 25 • Proposed Stipulation as to Facts, Violations, and Penalty submitted by the parties  
26 and signed on September 17, 2021, by Peter Lavalley, Executive Director, for the

1 PDC, and on September 13, 2021, by John Weymer and Matt Nagle, for the  
2 Respondent.

- 3 • Enforcement Hearing Notice dated September 13, 2021, for the September 23,  
4 2021, enforcement hearing.

## 5 6 **II. STIPULATION**

7 The parties jointly submitted a signed Stipulation as to Facts, Violations, and Penalty  
8 (Stipulation). Mr. Standifer presented the Stipulation, reviewed the aggravating and mitigating  
9 factors, summarized the proposed penalties, and asked the Commission to accept the Stipulation.  
10 Mr. Weymer provided testimony on behalf of the Respondent, answered questions, and  
11 confirmed the information provided by Mr. Standifer. The Respondent took responsibility and  
12 asked the Commission to accept the Stipulation. The Commission voted 4-0 to accept the  
13 Stipulation as submitted.

## 14 15 **III. FINDINGS OF FACT**

16 1. The Tacoma Weekly is a community newspaper published by Pierce County  
17 Community Newspaper Group. It became the Tacoma Weekly in 1994 and is distributed free to  
18 businesses and public spaces in the Tacoma area.

19 2. On August 5, 2020, the Respondent sent an email to a distribution list soliciting an  
20 offer to purchase advertising in the Tacoma Weekly. The email solicitation included the subject  
21 line: "Let's Get You Elected," and noted that the August 2020, primary election was just  
22 conducted the previous day. It further stated the advertising was limited to only four candidates,  
23 and included an information sheet listing the items included and the cost.

24 3. The Respondent's solicitation included: (1) 12 quarter-page print ads; (2) two full  
25 page ads; (3) four front page ads; (4) one "maga block" ad for 12 weeks; (5) four 8 ½ x 11 inserts;  
26 (6) a Tacoma Weekly editorial; (7) one cover story; and (8) a Tacoma Weekly endorsement of

1 the candidate. The cost of this offer was \$2,500.

2 4. PDC staff queried the contributions and expenditures database and found two 2020  
3 candidates had reported a purchase of a Tacoma Weekly advertising package: Javier Figueroa,  
4 current Mayor of the City of Lakewood, and Jason Whalen, Deputy Mayor of the City of  
5 Lakewood. Both Mr. Figueroa and Mr. Whalen were candidates seeking the office of Pierce  
6 County Council.

7 5. Mr. Figueroa signed a Statement of Understanding acknowledging violations of  
8 RCW 42.17A.320 by failing to disclose the required sponsor identification on paid political  
9 advertising sponsored by the Campaign that ran in the Tacoma Weekly. Mr. Figueroa paid a  
10 \$150 civil penalty resolving his failure to include the required sponsor identification in a Tacoma  
11 Weekly cover story, published on August 18, 2020, about his 2020 Pierce County Council  
12 candidacy. The headline to the story states: "Javier Figueroa Bringing an Independent Vote to  
13 Pierce County Council."

14 6. Mr. Whalen signed a Statement of Understanding acknowledging violations of  
15 RCW 42.17A.320 by failing to disclose the required sponsor identification on paid political  
16 advertising sponsored by his Campaign that ran in the Tacoma Weekly. Mr. Whalen paid a \$150  
17 civil penalty resolving his failure to include the required sponsor identification in a Tacoma  
18 Weekly cover story, published on September 2, 2020, about his 2020 Pierce County Council  
19 candidacy. The headline to the story stated: "Jason Whalen: A Work Together Approach." A  
20 paid for political ad featuring Mr. Whalen, also published in the September 2, 2020, Tacoma  
21 Weekly includes the following language: "A community leader committed to working together  
22 to deliver for us."

23 7. The Respondent also sold an advertising package to Dr. Elizabeth Kreiselmaier,  
24 a candidate for U.S. Representative in the 6<sup>th</sup> Congressional District in 2020. As noted for the  
25 two candidates in sections 5 and 6 above, the Tacoma Weekly advertisements for Dr.  
26 Kreiselmaier consisted of the same advertisements including the cover story. The headline to

1 the story was: “Elizabeth Kreiselmaier ‘Mom on a Mission to Clean Up the House.’” A paid for  
2 political ad, also published in the same edition of the Tacoma Weekly, included the following  
3 tagline: “A Mom on A Mission To Clean Up The House.”

4 8. The October 7-13, 2020, edition of the Tacoma Weekly included an article for  
5 Dr. Kreiselmaier entitled: “Smashing the glass ceiling in the 6<sup>th</sup> Congressional District,” which  
6 was about Dr. Kreiselmaier. The article noted it was a paid advertisement that included the  
7 sponsor identification indicating the Dr. Kreiselmaier’s campaign was responsible for the  
8 advertisement.

9 9. On October 16, 2020, Matt Nagle, Managing Editor for the Respondent, stated  
10 that “an uncorrected version of our sales promotion flyer was attached to email sent to select  
11 candidates. We corrected our mistake immediately and re-sent our email to these candidates.”  
12 He further stated that the corrected solicitation included 12 quarter page ads, two full page ads,  
13 four front page ads, one block ad for 12 weeks, four “insertions of your flyer” limited to 8 ½ x  
14 11, one “Advertorial” ad, and a meeting with Tacoma Weekly editorial staff.

#### 15 16 **IV. CONCLUSIONS OF LAW**

17 1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A  
18 RCW, the state campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative  
19 Procedure Act; and Title 390 WAC.

20 2. Based on the facts set forth above and the agreed stipulation of the parties, the  
21 Respondent, Tacoma Weekly, violated RCW 42.17A.480 by soliciting money from three  
22 candidates seeking public office in 2020, as consideration for an endorsement, article, or other  
23 communication from the Respondent promoting those three candidates in their news publication.

#### 24 25 **V. ORDER**

26 Based upon its Findings of Fact, the stipulated Findings of Fact, and its Conclusions of

1 Law, the Commission accepts the agreed Stipulation of the parties and orders that:

2  
3 1. The Respondent pay a total civil penalty of \$15,000, with \$7,500 suspended on  
4 the following conditions:

5  
6 a. Respondent is not found to have committed any further violations of  
7 Chapter 42.17A RCW or Title 390 WAC, within four years of the date of  
8 the Final Order in this matter. The suspended penalty shall not be  
9 assessed based solely upon any remediable violation, minor violation, or  
10 error classified by the Commission as appropriate to address by a  
11 technical correction.

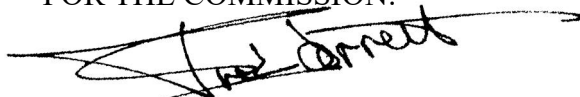
12 b. The Respondent is in compliance with all reporting requirements.

13  
14 c. The non-suspended portion of the penalty (\$7,500) is paid by the  
15 Respondent within 30 days of the date of the Final Order in this matter.  
16 If the Respondent fails to make timely payment of the non-suspended  
17 portion of the penalty, the \$7,500 suspended portion of the \$15,000 total  
18 civil penalty shall immediately become due without further action by the  
19 Commission.

20  
21 So ORDERED this \_28th\_ day of September, 2021.

22 WASHINGTON STATE PUBLIC  
23 DISCLOSURE COMMISSION

24 FOR THE COMMISSION:

25 

26 Fred Jarrett,  
Chair, Public Disclosure Commission

1  
2 *Copy of this Order mailed and/or emailed to:*

3 John Weymer & Matt Nagle, Publishers, Tacoma Weekly,  
4 [jweymer@tacomaweekly.com](mailto:jweymer@tacomaweekly.com);  
5 [matt@tacomaweekly.com](mailto:matt@tacomaweekly.com);

6 Alice Fiman, PDC Compliance Officer ([alice.fiman@pdc.wa.gov](mailto:alice.fiman@pdc.wa.gov));

7 Chad Standifer, Assistant Attorney General, Counsel for PDC Staff ([ChadS@atg.wa.gov](mailto:ChadS@atg.wa.gov)).  
8  
9  
10

11 I, Alice Fiman, certify that I mailed and/or emailed a copy of this order to the Respondent/  
12 Applicant at his/her respective address postage pre-paid on the date stated herein.

13 esigned Alice Fiman  
14 Signed

September 28, 2021  
Date

15  
16  
17 **NOTICE: RECONSIDERATION**

18 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for  
19 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon  
20 you. Any Request for reconsideration must state the specific grounds for the relief requested.  
21 Petitions must be electronically mailed to the Washington State Public Disclosure Commission,  
22 711 Capitol Way, Room 206, Box 40908, Olympia WA 98504-0908, [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov).

23 **NOTICE: PETITION FOR JUDICIAL REVIEW**

24 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for  
25 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final  
26 Order must be filed with the court and also served upon both the Commission and the Office of  
the Attorney general within thirty (30) days after the date this Final Order is served upon you.