

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

In the Matter of Enforcement Action
Against:

Tacoma Weekly
Respondent.

PDC Case 77415

STIPULATION AS TO
FACTS, VIOLATIONS AND PENALTY

I. INTRODUCTION

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Peter Lavallee, and Respondent, Tacoma Weekly, through John Weymer, and Matt Nagle, Publishers for the Respondent, submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

II. JURISDICTION

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance and disclosure laws; RCW 34.05, the Administrative Procedure Act; and WAC 390.

III. FACTS

1. According to the Respondent's website, the Tacoma Weekly is a "weekly community newspaper published by Pierce County Community Newspaper Group. The paper started in 1987 as the Tacoma Monthly and in 1994 became the Tacoma Weekly. The free newspaper is distributed on Thursdays to hundreds of businesses and public spaces in the Tacoma area."
2. On August 5, 2020, the Respondent sent an e-mail to a distribution list soliciting an offer to purchase advertising in the Tacoma Weekly. The email solicitation including the subject line "Let's Get You Elected", noted that the August 2020 primary election was just conducted the previous day, stated the advertising was limited to only four candidates, and included an information sheet listing the items included and cost.

3. The solicitation from the Respondent include the following: (1) 12 quarter-page print ads; (2) Two full page ads; (3) four front page ads; (4) one "maga block" ad for 12 weeks; (5) four 8 ½ x 11 inserts; (5) a Tacoma Weekly editorial; (6) one cover story; and (7) a Tacoma Weekly endorsement of the candidate. The cost of this offer was stated as \$2,500.
4. Based on PDC staff's query in the contributions and expenditures database, two 2020 candidates were identified as having reported a purchase of a Tacoma Weekly advertising package: Javier Figueroa, current Mayor of the City of Lakewood, and Jason Whalen, Deputy Mayor of the City of Lakewood. Both Mr. Figueroa and Mr. Whalen were 2020 candidates seeking the office of Pierce County Council.
5. Mr. Figueroa signed a Statement of Understanding (SOU) acknowledging violations of RCW 42.17A.320 by failing to disclose the required sponsor identification on paid political advertising sponsored by his Campaign that ran in the Tacoma Weekly. Mr. Figueroa paid a \$150 civil penalty resolving his failure to include the required sponsor identification in a Tacoma Weekly cover story, published on August 18, 2020, about his 2020 Pierce County Council candidacy. The headline to the story states: "Javier Figueroa Bringing an independent vote to Pierce County Council".
6. Mr. Whalen signed a SOU acknowledging violations of RCW 42.17A.320 by failing to disclose the required sponsor identification on paid political advertising sponsored by his Campaign that ran in the Tacoma Weekly. Mr. Whalen paid a \$150 civil penalty resolving his failure to include the required sponsor identification in a Tacoma Weekly cover story, published on September 2, 2020, about his 2020 Pierce County Council candidacy. The headline to the story states: "Jason Whalen: A Work Together Approach". A paid for political ad featuring Mr. Whalen, also published in the September 2, 2020 Tacoma Weekly, includes the following language: "A community leader committed to working together to deliver for us."
7. The Respondent also sold an advertising package to Dr. Elizabeth Kreiselmaier, a candidate for U.S. Representative in the 6th Congressional District in 2020. As noted for the two candidates listed above, the Tacoma Weekly advertisements for Dr. Kreiselmaier consisted of the same advertisements as for Mr. Whalen and Mr. Figueroa, including the cover story. The headline to the story was: "Elizabeth Kreiselmaier 'Mom on a Mission to Clean Up the House'". A paid for political ad, also published in same edition of the Tacoma Weekly, includes the following tagline: "A Mom On A Mission To Clean Up The House".
8. For Dr. Kreiselmaier, the Oct. 7 – 13, 2020 edition of the Tacoma Weekly included an article entitled "Smashing the glass ceiling in the 6th Congressional District", which was all about Dr. Kreiselmaier. The article noted it was a paid advertisement that included the sponsor identification indicating that Dr. Kreiselmaier's Campaign was responsible for the

advertisement. The advertisement for Dr. Kreiselmaier that appeared in the Tacoma Weekly edition identified her Congressional campaign as the sponsor.

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

IV. STATUTORY AUTHORITY

RCW 42.17A.480 states: "A person may not solicit from a candidate for public office, political committee, political party, or other person money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate for public office, political committee, or political party."

V. VIOLATIONS

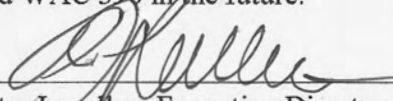
Based on the Stipulation of Facts set forth above, the Respondent stipulates to having violated RCW 42.17A.480 on three occasions by soliciting money from three candidates seeking public office in 2020, as consideration for an endorsement, article or other communication from the Respondent promoting those three candidates, in their news publication.

VI. PENALTY

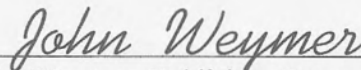
1. Based upon the Stipulation of Facts and Violations set forth above, the Respondent agrees to pay a total civil penalty of \$15,000, \$5,000 for each of the three violations of RCW 42.17A.480, with \$7,500 suspended.
2. \$7,500 of the \$15,000 penalty is suspended based on the following conditions:
 - a. The Respondent is not found to have committed any further violations of RCW 42.17A or WAC 390 within four years of the date of the final order in this matter. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.
 - b. The non-suspended portion of the penalty (\$7,500) is paid by the Respondent within 30 days of the date of the final order in this matter.

- c. If the Respondent fails to make timely payment of the non-suspended portion of the penalty, the suspended portion of the penalty shall immediately become due without further action by the Commission.

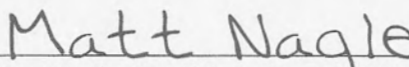
The Respondent affirms its intention to comply in good faith with the provisions of RCW 42.17A and WAC 390 in the future.


Peter Lavalley, Executive Director
Public Disclosure Commission

9/17/2021
Date Signed


John Weymer, Publisher, Tacoma Weekly

09/13/2021
Date Signed


Matt Nagle, Publisher, Tacoma Weekly

09/13/2021
Date Signed