



## 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)

December 11, 2020

Delivered electronically to Mark Lamb, legal counsel for Evergreen Progress (Washington State Republican Party)

Subject: Complaint filed against Evergreen Progress (Washington State Republican Party)  
PDC Case 77700

Mr. Lamb:

Below is a copy of an electronic letter sent to Adrianna Tiesinga concerning a complaint that was filed with the Public Disclosure Commission (PDC) against your client, Evergreen Progress (Washington State Republican Party).

As noted in the letter addressed to Adrianna Tiesinga, the PDC will not be conducting a more formal investigation into these allegations or taking any enforcement action concerning this matter.

The PDC has dismissed this complaint in accordance with RCW 42.17A.755(1). If you have questions, you may contact Kurt Young by e-mail at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov).

Sincerely,

Endorsed by,

/s \_\_\_\_\_

/s \_\_\_\_\_

Electronically Signed Kurt Young  
Compliance Officer

Electronically Signed BG Sandahl, Deputy Director  
For Peter Lavalley, PDC Executive Director



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December 11, 2020

Delivered electronically to Adrianna Tiesinga

Subject: Complaint filed against Evergreen Progress (Washington State Republican Party)  
PDC Case 77700

Adrianna Tiesinga,

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 30, 2020. The complaint alleged that Evergreen Progress (Washington State Republican Party) violated RCW 42.17A.335(1)(a) by sponsoring political advertising, specifically mailers, that included a false statement of material fact about Sharon Shewmake, a candidate for State Representative in the 42<sup>nd</sup> Legislative District in 2020.

PDC staff reviewed the complaint, allegations, and the evidence you provided; applicable statutes and rules; and the response provided by Mark Lamb, Attorney for Evergreen Progress (Washington State Republican Party), to determine whether the record supports a finding of one or more violations. Based on staff's review, we found:

- On October 2, 2020, Evergreen Progress (Washington State Republican Party) filed a Registration as a continuing political committee, selecting the Full Reporting Option and listing Brett Bader as Director, and Jeff Davis as Ministerial Treasurer.
- RCW 42.17A.335(1) states in part *"It is a violation of this chapter for a person to sponsor with actual malice a statement constituting libel or defamation per se under the following circumstances: (a) Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office."*
- Subsection (2) states *"libel or defamation per se means statements that tend (a) to expose a living person to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation, or (b) to injure any person, corporation, or association in his, her, or its business or occupation."* Subsection (4) states in part *"any violation must be proven by clear and convincing evidence."*
- Representative Sharon Shewmake was a candidate seeking re-election to the office of State Representative in the 42<sup>nd</sup> Legislative District, Position 2 in 2020.

- As part of your complaint, you stated “Rep. Shewmake released a statement on her website well before these flyers came out that clearly states her position on BLM and police system reform. She explicitly states that she opposes defunding the police. Therefore, this ad is supporting a baseless claim that encourages a false narrative, both about the march and Sharon Shewmake's stance.”
- The advertisement stated that “No candidate authorized this ad. It is paid for by Evergreen Progress (MC2)” and included the top five contributor information (Washington State Republican Party (WSRP), The Reagan Fund and Kemper Holdings). The advertisement stated at the top left “Sharon Shewmake marched on the Lyndon police station in a protest with the message A.C.A.B (All Cops are Bastards).”
- Just below that was a copy of a Sharon Shewmake Facebook page post which included a picture of a masked Representative Shewmake, with a group of masked protestors. The caption stated “Keep your eye out for Young Activists of Whatcom County! They threw an excellent march yesterday.” To the right side of that post was the statement: “The group says our police work for a violent and unjust institution built on systemic racism.”
- The advertisement included the question just under that at the bottom of the first page “Why is Sharon Shewmake marching to defund the police?” Finally, the top of the second page included a picture of a pair of hands holding up a sign in all yellow highlighted capital letters stating “DEFUND THE POLICE” and just below that the advertisement stated “Sharon Shewmake (D) failed to support our local police.”
- In response, Mr. Lamb stated, “The mailer is neither defamatory nor libelous and thus the PDC has no jurisdiction over the political speech contained in it.” He stated that Representative Shewmake “called the march by Young Activists of Whatcom County “excellent” on Twitter as accurately depicted in the mail piece.”

Based on this information, PDC staff found no evidence that would constitute a material violation or require conducting a more formal investigation into the complaint or pursuing any enforcement action in this instance.

In order to meet the statutory definition of libel or defamation, a false statement about a candidate must be proven by clear and convincing evidence. The question “Why is Sharon Shewmake marching to defund the police?” did not constitute a false statement that she was in favor of defunding the police, and the phrase “Sharon Shewmake (D) failed to support our local police” was a matter of opinion.

The PDC has dismissed this complaint in accordance with RCW 42.17A.755(1). If you have questions, you may contact Kurt Young by e-mail at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov).

Sincerely,

Endorsed by,

/s \_\_\_\_\_

/s \_\_\_\_\_

Electronically Signed Kurt Young  
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cc: Mark Lamb, legal counsel for Evergreen Progress (Washington State Republican Party)