



State of Washington
PUBLIC DISCLOSURE COMMISSION

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November 17, 2020

Sent electronically to Allen Dauterman at allendauterman@gmail.com

Subject: Complaint regarding Robert Clark, PDC Case 78386

Dear Mr. Dauterman:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 10, 2020. The complaint alleged that Robert Clark, an individual domiciled in the City of Newcastle, Washington, may have violated RCW 42.17A.205 for failure to register a political committee and RCW 42.17A.320 for failure to include sponsor identification (“Paid for or Sponsored by” followed by the name of the sponsor and complete address) on political advertisement.

PDC staff reviewed the applicable statute(s), rule(s), the two exhibits (Exhibit A and B) attached to the complaint, and the reporting requirement(s) pertinent to the committee registration and sponsor identification statutes/rules.

Based on staff review, we found the following:

- On or about October 9, 2020, Robert Clark created and distributed a flyer that opposed Newcastle’s Referendum 2. Mr. Clark distributed the flyers with the help of his wife and a few friends. The flyer distributed to the residents of Newcastle did not have the required statutory sponsor identification (“Paid for or Sponsored by” followed by the sponsor’s name and complete address) on the flyer/political advertisement.
- In his response to this complaint, received on August 10, 2020, Robert Clark stated, “I had contacted the PDC prior to making the flyer to determine whether or not I needed to create a PAC or other committee and was told that I did not need to do so if I wrote the flyer and did not accept financial help to product it. As a political novice, however, I failed to realize or understand my name needed to be on the flyer. At the first available opportunity, Monday 10/12/20, I called the PDC to self report my mistake. I spoke with Scott Hayley and explained the situation. I told him that I had passed out flyers without my name and what should I do. He stated that it was not feasible to collect them all back up but to make sure any future flyers had my name and address in accordance with the RCW. I asked him if a PO BOX was ok for an address and he said yes. He mentioned that I had to fill out form C1 if I had expenses \$100 or greater. I told him I did not have such expenses, that I had already the materials and there was not that

type of expense. He then told me filling out the form was not necessary. He also confirmed that I did not need to be a committee or PAC.”

- Regarding the alleged failure to register a committee with the Public Disclosure Commission (PDC), staff found that Robert Clark was not required to register a political committee with the PDC because he did not meet the statutory threshold for expenditure/contribution that would have required him to register a committee with the PDC.

While our review found that Robert Clark failed to include sponsor identification (name and address) on the flyer he distributed to homes in Newcastle on or about October 9, 2020, it appears that Mr. Clark made a mistake and neglected to include his name and address on the flyer. Mr. Clark was also proactive and self-reported when he realized his mistake. He was also responsive and provided a response/explanation as soon as this complaint was brought to his attention.

However, Robert Clark will receive a reminder letter about the importance of including sponsor identification on political advertisement for all future mailers/flyers. Robert Clark will be informed that PDC staff expects him to review all political advertisements in the future that, he is the sponsor, to ensure they contain all required sponsor identification (“Paid for or Sponsored by” followed by the name of the sponsor and complete address), as required by the statutory scheme.

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, you may contact Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Endorsed by:

/s _____
Erick Agina, Compliance Officer

/s _____
Barbara Sandahl, Deputy Director for
Peter Lavallee, Executive Director

cc: Robert Clark

