

Respondent Name
Tacoma Weekly
Complainant Name
Evelyn Fielding Lopez
Complaint Description
Truetacoma (Wed, 14 Oct 2020 at 1:12 PM) The information supporting this complaint is in the attached document.
What impact does the alleged violation(s) have on the public?
The public is fooled into thinking that news articles in the Tacoma Weekly, and the paper's endorsements, are honest journalism. In fact, they are paid advertisements. The public will lose confidence in the media and political process, and candidates who have purchased endorsements and coverage appear to be more credible and qualified than they should be.
List of attached evidence or contact information where evidence may be found
The attached complaint has the information on these issues, and I will provide answers to any questions. Most of the information has come from the Tacoma Weekly website and the PDC database.
List of potential witnesses with contact information to reach them
Certification (Complainant)
I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.



Evelyn Fielding Lopez
Email: TrueTacoma@gmail.com Phone: (253) 229-2362

Public Disclosure Commission
VIA pdc.wa.gov website

Dear Commission Staff,

Please accept these campaign finance complaints against: (1) the Tacoma Weekly newspaper, (2) Jason Whalen, candidate for Pierce County Council District 6, and (3) Javier Figueroa, candidate for Pierce County Council District 4.

A. Overview:

After the August 2020 primary, the Tacoma Weekly newspaper offered advertising packages to Tacoma candidates which included payment for a Weekly editorial, cover story, and Tacoma Weekly endorsement. Candidates Jason Whalen and Javier Figueroa purchased the \$2500 packages and have received flattering cover stories in the Tacoma Weekly. This “pay for play” scheme has resulted in numerous campaign finance and campaign advertising violations.

B. Background:

In August 2020, I was contacted by a candidate about an email he received from the Tacoma Weekly after the primary election. As you can see, the Tacoma Weekly offered a special advertising package, limited to four candidates, that would include “Weekly Editorial, A Cover Story, Tacoma Weekly Endorsement.”

Here is a copy of the email:

From: Matt Nagle <mnagle@tacomaweekly.com>
Date: Wednesday, August 5, 2020 at 2:59 PM
To: "
Subject: Let's Get You Elected

Dear :

With the Aug. 4 primary over and candidates now chosen for the upcoming General Election, the Tacoma Weekly is here to help get you elected. Let us brand you as the best candidate for the job while you support independent community journalism.

Attached to this email is information on how the Tacoma Weekly can be a resource for you before and after you are in office. *We are limiting this offer to just four candidates, so act now to reserve your spot.*

Thank you!

Matt Nagle
(253) 267-3276
matt@tacomaweekly.com

John Weymer
(253) 405-4893
jweymer@tacomaweekly.com

Two information sheets from the Tacoma Weekly were also provided:

Friends Of Tacoma Weekly

Let's Get You Elected

We have 12 weeks to brand your name as the best candidate for the job!

Here's how it works:
This offer is limited to only 4 candidates based on space available.

- (12) 1/4 Print Ads
- (2) Full page Ads
- (4) Front Page Ads
- (1) Maga Block Ad 12 Weeks
- (4) 8 1/2 by 11 Inserts
- Weekly Editorial
- A Cover Story
- Tacoma Weekly Endorsement

Cost \$2500

Contact:
John Weymer 253-405-4893
jweymer@tacomaweekly.com
Matt Nagle 253-267-3276
matt@tacomaweekly.com

Friends Of Tacoma Weekly

Let's Get You Elected

We have 12 weeks to brand your name as the best candidate for the job!

Here's how it works:
This offer is limited to only 4 candidates based on space available.

- (12) 1/4 Print Ads
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- (1) Maga Block Ad 12 Weeks
- (4) 8 1/2 by 11 Inserts
- Weekly Editorial
- A Cover Story
- Tacoma Weekly Endorsement

Cost \$2500

Contact:
John Weymer 253-405-4893
jweymer@tacomaweekly.com
Matt Nagle 253-267-3276
matt@tacomaweekly.com

Upon receiving this information, I searched the PDC expenditure database to see if any 2020 candidates had paid money to the Tacoma Weekly. I found that Jason Whalen, a candidate for Pierce County Council District 6, paid the Tacoma Weekly \$2500 for advertising on August 24, 2020.

On September 1, 2020, the Tacoma Weekly ran a frontpage feature story on Mr. Whalen and his campaign: <https://tacomaweekly.com/featured-news/jason-whalen-in-the-running-to-bring-his-collaborative-approach-to-problem-solving-to-pierce-county-council/>

Any person reading this article would not realize that it was in fact an advertisement and that it had been purchased as part of an advertising package offered to candidates. As a campaign advertisement, it lacks the required sponsorship information regarding the funds used to purchase this media coverage.

Because there were other, prominent cover stories regarding local political candidates, I searched their expenditures to see if anyone else had purchased the Tacoma Weekly's \$2500 advertising package. Javier Figueroa, a candidate for Pierce County Council District 4, was featured in a Tacoma Weekly cover story on August 18, 2020: <https://tacomaweekly.com/front-page/javier-figueroa-bringing-an-independent-vote-to-pierce-county-council/>

I reviewed Mr. Figueroa's expenditures and found that he has been misreporting his spending, and that on August 8, 2020 he paid \$2500 for "Tacoma Weekly Ad Campaign." The misreporting of expenditures is significant. When I used the advanced search feature on the PDC database to look for all expenditures

to the Tacoma Weekly across all campaigns, I did not see the purchase from Mr. Figueroa. That's because he has been paying for campaign items from his own pocket, and then reporting reimbursement to himself as expenditures. So, if you were to search expenditures you would only find his spending by looking for payments to himself. He has noted what the reimbursement to himself was for, but that does not fix the misreporting, and does not go into the database. In the case of the Tacoma Weekly advertising, he has also characterized it as an in-kind contribution, apparently from himself. None of that provides useful information to the public.

In addition to the cover story, the Tacoma Weekly has been featuring photos of Mr. Figueroa on its paper boxes around Pierce County. These are all advertisements, but do not contain the required sponsor identification.

Photos of the Tacoma Weekly Boxes:



C. Tacoma Weekly Violations:

RCW 42.17A.480 provides: “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.” (Emphasis added.)

The Tacoma Weekly violated this statute by soliciting for an advertising package that included promoting the candidate through positive cover stories, editorial content, and the paper's endorsement of the candidate.

RCW 42.17A.320 requires that all political advertising contain sponsor information identifying who paid for the advertisement. The Tacoma Weekly sold their articles as political advertising, but did not include sponsorship information on the cover stories.

RCW 42.17A.340 indicates that the candidate is responsible for sponsorship information on campaign advertising, but the advertiser may also be responsible if it has changed the content of the advertisement. Both the candidates and the Tacoma Weekly should be held responsible for failure to include sponsorship information on the paid advertisements that were masquerading as newspaper articles.

D. Candidate Whalen Violations:

As noted above, RCW 42.17A.320 requires that all political advertising contain sponsor information identifying who paid for the advertisement. Mr. Whalen purchased the advertising package from the Tacoma Weekly that included cover stories, editorials, and the newspaper's endorsement. He knew that the cover story was not journalism, but was advertising purchased by his campaign. He should have ensured that appropriate sponsorship information was included in all Tacoma Weekly stories about his campaign after he paid them on August 24, 2020.

Mr. Whalen is an attorney in Tacoma, and has represented parties in campaign finance matters (representation of the Economic Development Board for Tacoma-Pierce County in the recent settlement of a case against the Port of Tacoma, Chamber of Commerce, and Economic Development Board).

E. Candidate Figueroa Violations:

As with the Whalen campaign, Mr. Figueroa was required by RCW 42.17A.320 to ensure that all campaign advertising contained sponsor information identifying who paid for the advertisement. Mr. Figueroa purchased the advertising package from the Tacoma Weekly that included cover stories, editorials, and the newspaper's endorsement. He knew that the cover story was not journalism, but was advertising purchased by his campaign. He should have ensured that appropriate sponsorship information was included in all Tacoma Weekly stories about his campaign after he paid them on August 8, 2020.

In addition, Mr. Figueroa's practice of reporting reimbursements to himself as "expenditures" and hiding the actual recipient of funds in the notes section of his reports is a violation of RCW 42.17A.240. Campaigns are required to report the "name and address of each person to whom an expenditure was made." Mr. Figueroa did not do that. Instead he listed himself as the recipient of funds, and then added the actual recipient, the party that provided services, in the notes field. This practice denied the public of information that should have been easy to discover and effectively hid his expenditures from review.

Mr. Figueroa is an experienced candidate, has run numerous campaigns, and has been a member of the University Place City Council.

F. Impact on the Public:

We live in perilous times. The public has lost much of its faith in politicians, elections, and the media. Now one of our small, local newspapers in Tacoma is selling its content and endorsements. It's shocking and wrong. No one reading the Tacoma Weekly will be able to believe any of its political content, and

we are all harmed as a result. (Note that there are likely two other candidates who purchased the Tacoma Weekly advertising and endorsement package, but they are candidates for federal office and not subject to the PDC's jurisdiction.)

Please investigate these complaints and contact me if I can be of any assistance.

Evelyn Fielding Lopez

Tacoma, Washington

Email: TrueTacoma@gmail.com

Phone: 253-229-2362