



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 • Website: www.pdc.wa.gov

January 21, 2021

Sent Electronically to Robert Gray

Subject: Robert Gray/Resident Samish Complaint Return Letter with SOU, PDC Case 78594

Mr. Gray:

Below is a copy of a letter sent electronically to Elizabeth Hartsoch, Bill McCallum and Brian Estes concerning the three complaints they filed with the Public Disclosure Commission (PDC) against you/Resident Samish. As noted below in the letters sent to Ms. Hartsoch, Mr. McCallum and Mr. Estes, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in these matters.

On January 14, 2021, you completed a Statement of Understanding (SOU) acknowledging a violation of RCW 42.17A.255 for failing to timely file a C-6 report disclosing the independent expenditure mailing in opposition to 2020-14, and a violation of RCW 42.17A.320 by sponsoring independent expenditure advertising using a made up or fictitious name during the 2020 election cycle. By completing the SOU and paying the \$650 civil penalty, you resolved this matter in lieu of the PDC staff scheduling an enforcement hearing.

Thank you for your cooperation in completing the SOU and paying a civil penalty to resolve these three complaints.

Based on this information, the PDC has dismissed the three complaints filed against you in accordance with RCW 42.17A.755(1) and WAC 390-37-070. If you have questions, you may contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,

Endorsed by:

s/ _____
Electronically Signed Kurt Young,
PDC Compliance Officer

s/ _____
Electronically Signed Peter Lavallee,
PDC Executive Director



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January 21, 2021

Sent electronically to Bill McCallum, Brian Estes, and Elizabeth Hartsoch

Subject: Complaint filed against Resident Samish/Robert Gray, PDC Case 78594

Ms. Hartsoch, Mr. McCallum and Mr. Estes:

The Public Disclosure Commission (PDC) has completed its review of three complaints you each filed against Resident Samish between October 15 through 20, 2020. (For your information, to more efficiently utilize PDC resources, staff is sending one complaint return resolution letter to the three of you rather than three separate letters.)

Your complaints alleged that Resident Samish may have violated: (1) RCW 42.17A.205, .235 and .240 by failing to timely register and accurately file reports disclosing contribution and expenditure activities; and (2) RCW 42.17A.320 by failing to include the require sponsor identification on independent expenditure advertising in opposition to a local ballot proposition.

PDC staff reviewed the allegations listed in the complaint; the statues, rules and reporting requirements for a political committee; the Independent Expenditure Report (C-6 report) filed by Resident Samish; the PDC database for contribution information for contributions made by Robert Gray; and the responses from Robert Gray. Based on staff's review, we found the following:

- RCW 42.17A.320 requires all written political advertising, including newspaper political advertising, to disclose the sponsor's name and complete mailing address in the advertisement.
- On October 14, 2020, Robert Gray presented to the public an independent expenditure mailer that listed as part of the return address that the sponsor was "Resident Samish" with the address being 2350 Newmarket Street, Suite 101-264, Bellingham, WA. The independent expenditure mailer stated "VOTE "NO" on 2020-14" but did not provide any additional contributor name or address information as required for this type of mailer, or any of the required other information concerning the sponsor.
- RCW 42.17A.255 requires sponsors of independent expenditure political advertisements of \$100 or more to file a C-6 report within five days of making an independent expenditure in support of or in opposition to any candidate or ballot proposition, including a local ballot proposition on the November 3, 2020 general election ballot.

- On October 15, 2020, PDC staff contacted Lithtex, a printing business located in Bellingham, Washington, after reviewing the Resident Samish mailer the US Postal Service Bulk Mail Permit #114, and seeking the business name that was issued the bulk permit number in order to determine the name of the sponsor. The email from PDC staff stated that Lithtex was a commercial advertiser and based on the bulk mail permit issued to Lithtex by the US Postal Service, the PDC was requesting Lithtex provide information about the sponsor of the Resident Samish independent expenditure advertisement in accordance with RCW 42.17A.345.
- On October 19, 2020, Lithtex sent an email concerning the PDC inquiry and attached an invoice dated October 7, 2020, that indicated Robert Gray placed the order and paid for the Resident Samish independent expenditure mailer on that date. The invoice indicated that Lithtex printed 32,000 postcards and mailed them out on behalf of Mr. Gray with a total cost of \$8,104.25
- On October 26, 2020, after contacting Mr. Gray by telephone at the number provided to PDC staff by Lithtex, staff sent Mr. Gray an email informing him about the complaints that were filed concerning the independent expenditure mailer, and making him aware of the C-6 reporting requirement.
- On November 1, 2020 Robert Gray filed a C-6 report and listing the sponsor's name as "Resident Samish" and disclosing that a \$7,887.35 expenditure was made to Lithtex on October 7, 2020. The expenditure was for an independent expenditure mailer presented to the public on October 14, 2020 and made in opposition to City of Bellingham Proposition 2020-14, a local transportation ballot measure on the November 3, 2020 general election ballot. The C-6 report was filed 17 days late, and two days before the November 3, 2020 general election.
- Mr. Gray stated in his responses he currently is a Fire Captain with the Bellingham Fire Department and that he decided to use his own personal funds to make the independent expenditure mailer in opposition to the ballot proposition. He stated he was opposed to Proposition 2020-14 since it would cause existing traffic lanes in the area to be reduced and closed in what he referred to as "road diets" if the ballot measure was ultimately approved. He stated he did not solicit or receive any contributions in order to make the independent expenditure, and that Resident Samish was not a political committee.
- Mr. Gray stated that Resident Samish is not an entity or organization and instead was a fictitious name that he made up and selected on his own. He stated he felt Resident Samish was a catchy phrase and that is why he selected it and reiterated it was a fictitious name and confirmed staff's questions that there were no Officers or members, and no formal entity is registered or incorporated under that name.
- On January 14, 2021, Mr. Gray completed a Statement of Understanding (SOU) acknowledging: (1) One violation of RCW 42.17A.255 for failing to timely file a C-6 report disclosing the independent expenditure mailing in opposition to 2020-14; and (2) One violation of RCW 42.17A.320 by sponsoring independent expenditure advertising using a made up or fictitious name during the 2020 election cycle.
- Mr. Gray paid a \$650 civil penalty in accordance with the Penalty Schedule adopted by the Commission for Brief Enforcement Hearings set forth in WAC 390-37-143, with \$500 of the penalty being assessed for the violation of RCW 42.17A.320 and a \$150 penalty assessed for the violation of RCW 42.17A.255.

Staff's review and investigation found this was Mr. Gray's first interaction with the PDC, and that he had no prior PDC violations or complaints filed against him prior to this year. Mr. Gray confirmed that he had not made any prior contributions to a candidate or political committee in Washington state or engaged in any independent expenditure activities prior to this election. Mr. Gray completed the SOU and paid the \$650 penalty in lieu of scheduling an enforcement hearing to resolve this matter.

Based on these findings, and the fact that Mr. Gray completed an SOU acknowledging two violations of RCW 42.17A and paid a \$650 civil penalty, staff has determined that in this instance, no further investigation is warranted, or any additional enforcement action shall be taken.

Based on this information, the PDC has dismissed the three complaints filed against Mr. Gray/Resident Sammish in accordance with RCW 42.17A.755(1) and WAC 390-37-070. If you have questions, you may contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,

Endorsed by:

s/ _____
Electronically Signed Kurt Young,
PDC Compliance Officer

s/ _____
Electronically Signed Peter Lavalley,
PDC Executive Director

cc: Robert Gray

