



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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

December 9, 2020

Sent electronically to electkevinballard@gmail.com and jason@electnw.com

Subject: Complaints filed by Judith Smriga, PDC Case 79580

Dear Kevin Ballard:

Enclosed is a copy of an electronic letter sent to Judith Smriga concerning complaints filed October 31, 2020 with the Public Disclosure Commission (PDC) alleging violations of RCW 42.17A.235 and .240 for failure to timely and accurately disclose expenditures.

As noted in the letter below, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

PDC staff is reminding you about the importance of timely and accurately reporting expenditures and expenditure detail and PDC staff expects in the future you will timely file accurate and complete reports, in accordance with PDC laws and rules.

If you have questions, contact Alice Fiman toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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December 9, 2020

Sent electronically to judith.smriga@gmail.com

Subject: Complaints regarding Kevin Ballard, PDC Case 79694

Dear Judith Smriga:

The Public Disclosure Commission (PDC) completed its review of the complaints you filed October 31, 2020. Your complaints alleged Kevin Ballard violated RCW 42.17A.235 and .240 by failing to timely and accurately disclose expenditures.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the applicable PDC reports, and the response from Jason Michaud, treasurer for Friends of Kevin Ballard (Campaign), to determine whether the record supports a finding of one or more violations. Based on staff's review, we found the following:

- Kevin Ballard was elected to the DuPont City Council in 2019 and was a 2020 candidate for the Washington State House of Representatives from the 28th District, registering with the PDC on April 1, 2020.
- In a Full Campaign Contribution and Expenditure (C-4) report filed October 26, 2020 and amended November 19, 2020, the Campaign reported \$40,123.61 in total contributions and \$33,102.78 in total expenditures during the campaign.
- This was Ballard's first campaign for Legislature and Ballard was not elected to the position.
- Michaud responded to the allegations in the complaint, noting:
 - The business, Forward Operating Base DuPont, did not donate food or beverages and was not open during the broadcast.
 - The Campaign "confirmed with the PDC that since the shirts were purchased by individuals directly from the merchant and not distributed directly by the campaign, this was not considered an in-kind donation or reportable expense."
 - The September 27, 2020 email was sent by the hosts of the meet and greet, not the Campaign.
 - The letter to the Suburban Times was not a paid advertisement or political advertising but distributed at the news outlet's discretion.
- In response to the allegations of failing to include required expenditure detail, Michaud stated the Campaign amended C-4 reports originally filed in July and October 2020.

Based on these findings, and the fact the Campaign filed the original reports timely and the Campaign made a good faith effort to comply with the reporting requirements of RCW 42.17A.240 concerning expenditures undertaken by the campaign on their C-4 reports, and the

public was not deprived of critical information as the dates, amounts, and purposes of the expenditures were disclosed, staff has determined, in this instance, the failure to timely and accurately report expenditure detail does not amount a violation warranting further investigation.

PDC staff is reminding Kevin Ballard about the importance of filing timely, accurate and complete reports in accordance with PDC laws and rules and expects in the future Ballard will timely file accurate and complete reports, in accordance with PDC laws and rules.

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, contact Alice Fiman toll-free at 1-877-601-2828, or by e-mail fdc@fdc.wa.gov.

Sincerely,

Endorsed by,

/s

Alice Fiman
Compliance Officer

/s

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director