

Respondent Name
Yen Huynh
Complainant Name
John Kesler
Complaint Description
<u>John A Kesler III</u> (Mon, 1 Mar 2021 at 8:37 PM) See attached correspondence.
What impact does the alleged violation(s) have on the public?
See attached correspondence
List of attached evidence or contact information where evidence may be found
See attached correspondence. See also, City of Olympia records regarding council vacancy applications (available online). See also, PDC online records.
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.

John A Kesler III
1801 Evergreen Park Ct. SW, No. 23
Olympia, WA 98502

March 1, 2021

Washington State Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504

Sent Via Website Upload

Re: Legal Violations by Yen Huynh, Candidate for Olympia City Council Position #2

Dear PDC Staff:

Candidate Yen Huynh announced in a signed document dated December 10, 2020, “It is my intention to run for election to [Olympia City Council Position #2] next fall.” This document was part of an application for an open Olympia City Council position that was filed in January 2021 by the current Olympia City Council. Ms. Huynh’s entire application was made public shortly after it was submitted. However, Ms. Huynh did not register as a candidate until February 8, 2021—sixty (60) days after she signed her application announcing her candidacy.

Ms. Huynh became a candidate on or about December 10, 2020 pursuant to RCW 42.17A.005(8)(b); see also, WAC 390-05-200(2). A “committee...includes a political committee such as a candidate.” RCW 42.17A.005(12). “Every political committee shall file a statement of organization with the [PDC]...within two weeks after organization.” RCW 42.17A.205(1). The laws when read together indicate a candidate must register their candidacy with the PDC within two weeks of publicly declaring themselves a candidate for a public office. This reading of the law is made clear on the PDC’s own “New Candidates FAQs” webpage, which states in pertinent part:

According to the disclosure law, you become a candidate when you do one of these things: accept a contribution or spend money for your campaign; reserve space or purchase advertising to promote your candidacy; authorize someone else to do any of these activities for you; **state publicly that you are seeking office**; or file a declaration of candidacy.

<https://www.pdc.wa.gov/learn/new-candidates> (emphasis added).

Ms. Huynh’s delay in waiting sixty days to register her candidacy is a violation of PDC laws.

Additionally, the PDC webpage for new candidates referenced above indicates a new candidate must file a Personal Financial Affairs Statement (aka F-1) “within two weeks* of the date you

become a candidate.” Ms. Huynh filed an F-1 on or about January 22, 2021 after her appointment to Olympia City Council on or about January 5, 2021. Ms. Huynh’s F-1 was a few days late if using her council appointment date as the starting point for calculating the F-1 due date and a few weeks late if using the appropriate announcement of candidacy date.

Ms. Huynh has violated two PDC laws related to reporting requirements in her very short time as a candidate for public office and public office holder.

One other violation by Ms. Huynh that has come to light is a Facebook post on the “Yen for Olympia” political candidate page, which states, “I was so excited to speak...about...my campaign for **re-election**.” (emphasis added). The post was made public on or about February 28, 2021. The recent post differs from earlier messages asking voters to “retain” Ms. Huynh.

Ms. Huynh was appointed by the current Olympia City Council and is the incumbent. It is appropriate for her to use the word “retain”. WAC 390-18-040. However, Ms. Huynh has not ever been elected to Olympia City Council and her recent use of the word re-elect is a violation of law. WAC 390-18-040(1).



The first two violations committed by Ms. Huynh have been cured. They were minimal, technical violations related to the timing of reports/registration and no harm has been done. The third known violation, which is in regard to Ms. Huynh’s use of the word “re-elect” has not been cured. Moreover, the third violation is troubling as it suggests a new direction in the way Ms. Huynh communicates the message about her candidacy to the public—and the new statement is false. Three total violations this early in the campaign and a new violation that disregards political advertising laws is reason for concern.

I am the spouse of Robbi Kesler who is also a candidate for Olympia City Council Position #2. I want to see a fair election where all candidates play by the same rules. Ms. Huynh should be advised of her violations as soon as possible so that she is on notice her continued violations may have consequences. Nobody benefits from a situation where PDC violations go unchecked until it is too late.

Yours very truly,

John A Kesler III

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