



**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.pdca.wa.gov

March 29, 2021

Delivered electronically to "yendhuynh@gmail.com"

Subject: Complaint filed by John Kesler III, PDC Case 86408

Dear Yen Huynh:

Below is a copy of an electronic letter sent to John Kesler III concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to John Kesler III, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

PDC staff is reminding you about the importance of the timely filings of all future PDC reports and the importance of ensuring political advertising is in accordance with the PDC statutes and rules.

If you have questions, you may contact Tabitha Townsend at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

Electronically signed by Tabitha Townsend

Tabitha Townsend
Compliance Coordinator

Electronically signed by Barbara Sandahl

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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March 29, 2021

Delivered electronically to "jkesler@bgwp.net"

Subject: Complaint regarding Yen Huynh, PDC Case 86408

Dear John Kelser III:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on March 1, 2021. The complaint alleged that Yen Huynh (Respondent), a Candidate for City Councilmember, for City of Olympia may have violated RCW 42.17A.205, .700 and WAC 390-18-040 for failure to register as a candidate (C-1) and file Personal Financial Affairs (F-1) within two weeks of becoming a candidate; and for using "re-elect" in political advertising.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by the Respondent; and the applicable PDC reports filed by the Respondent to determine whether the record supports a finding of one or more violations.

Based on staff's review, we found the following:

- Per RCW 42.17A.205 a Candidate for City Councilmember for the City of Olympia in the 2021 election cycle the Respondent is required to file their C-1 report within two weeks of becoming a candidate.
- Per RCW 42.17A.700 an appointed official the Respondent is required to file their F-1 report within 2 weeks of being appointed to the office.
- Per WAC 390-18-040 an appointed official that is not in the office due to having been elected to the office the term "re-elect" cannot be used in political advertising.
- The Respondent was appointed to fill a vacant position of City Councilmember for the City of Olympia on January 6, 2021.
- The Respondent electronically filed their C-1 report on January 30, 2021.
- As an appointed official the F-1 was due on or before January 20, 2021 in order to be within the two weeks of being appointed.
- The Respondent filed their F-1 report on January 22, 2021. Here is a link to the F-1 on our website: <https://apollo.pdc.wa.gov/public/financial-affairs/statement/94401>

- The Respondent announced the candidacy on their Facebook page on February 8, 2021.
- The February 8, 2021 announcement on the Respondent's Facebook page did use the term "re-elect". Upon receipt of the complaint the Respondent had the post corrected by her campaign to say "retain".

Based on our findings staff has determined that, in this instance, the F-1 being filed two (2) days beyond the statutory requirement and the use of re-elect versus retain does not amount to a violation that warrants further investigation.

PDC staff is reminding Yen Huynh about the importance of the timely filings of all future PDC reports and the importance of ensuring political advertising is in accordance with the PDC statutes 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, you may contact Tabitha Townsend at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed by Tabitha Townsend

Tabitha Townsend
Compliance Coordinator

Endorsed by,

Electronically signed by Barbara Sandahl

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Yen Huynh