



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

May 19, 2021

Sent electronically to paulrhess@comcast.net

Subject: Complaints filed by Carolyn Armanini and Danielle Franco-Malone, PDC Case 88948

Dear Paul Hess, Chair Citizens 4 Fire Merger (Committee):

Enclosed is a copy of an electronic letter concerning complaints filed April 11 and 12, 2021 with the Public Disclosure Commission (PDC). The complaints alleged Citizens 4 Fire Merger (Committee), a 2021 ballot committee registered with the PDC, violated: (1) RCW 42.17A.255, .260 and .305 by failing to accurately and completely disclose independent expenditures and electioneering communications on Form C-6; (2) RCW 42.17A.320 by failing to include the required sponsor identification on a mailer in support of the ballot measure; and (3) RCW 42.17A.235 and .240 by failing to timely and accurately disclose contributions and expenditures.

As noted in the letter to Carolyn Armanini and Danielle Franco-Malone, 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.

Pursuant to WAC 390-37-060(1)(d), however, this letter serves as a formal written warning concerning the Committee's failure to timely file accurate reports of contribution and expenditure activities as required for a ballot committee and to include a complete sponsor identification on political advertisements sponsored by the Committee. Staff expects the Committee will, in the future, timely and accurately file PDC reports disclosing all contribution and expenditure activities as required by law, and to follow the political advertising disclosure requirements for a ballot committee in accordance with RCW 42.17A.320.

The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or 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_____

Peter Lavalley
Executive Director



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May 19, 2021

Sent electronically to carmanini@gmail.com and franco@workerlaw.com

Subject: Complaints regarding Citizens 4 Fire Merger, PDC Case 88948

Dear Carolyn Armanini and Danielle Franco-Malone:

The Public Disclosure Commission (PDC) completed its review of the complaints you filed April 11 and 12, 2021. Your complaints alleged Citizens 4 Fire Merger (Committee), a 2021 ballot committee registered with the PDC, violated: (1) RCW 42.17A.255, .260 and .305 by failing to accurately and completely disclose independent expenditures and electioneering communications on Form C-6; (2) RCW 42.17A.320 by failing to include the required sponsor identification on a mailer in support of the ballot measure; and (3) RCW 42.17A.235 and .240 by failing to timely and accurately disclose contributions and expenditures.

PDC staff reviewed the allegations; the materials you provided; the applicable statutes, rules, and reporting requirements for a ballot committee; the Monetary Contributions (C-3) reports and Campaign Full Summary Contributions and Expenditures (C-4) reports filed with the PDC by the Committee; and the response from Paul Hess, Committee Chairperson, to determine whether the record supports a finding of one or more violations. Based on staff's review, we found the following:

- On November 17, 2020, the Commissioners of King County Fire Protection District No. 16 (d/b/a Northshore Fire Department) approved Resolution 20-11, calling for a special election April 27, 2021 concerning the merger of Northshore Fire Department into Woodinville Fire & Rescue.
- Resolution 20-11 "would merge King County Fire Protection District No. 16 d/b/a Northshore Fire Department into Woodinville Fire & Rescue, creating one fire protection district to provide fire and emergency medical services for the areas currently served by the two districts."
- On March 31, 2021, the Committee registered with the PDC as a 2021 ballot measure committee supporting the merger of King County Fire Protection District No. 16 into Woodinville Fire District on the April 27, 2021 ballot, selecting the Full Reporting Option and listing Paul Hess as Chair, and Rik Holley as Treasurer.
- Resolution 20-11/the ballot measure was defeated on April 27, 2021, receiving 20.13 percent of the 10,156 votes counted.

- During the 2021 special election, the Committee filed a total of seven C-3 reports and four C-4 reports. On April 2, 2021, the Committee filed its initial C-3 report; however, the contributor data for that contribution did not get properly transmitted to the PDC.
- On April 6, 2021, the Committee timely filed the 21-Day Special Election C-4 report covering the period March 1 through April 5, 2021, disclosing \$4,100 in monetary contributions received, and \$1,149 for two in-kind contributions from David Maehren that included a \$1,009 in-kind contribution for 200 yard signs. The C-4 report disclosed one \$162.60 expenditure made to Labels and Lists for 5,900 labels for a mailing list.
- On April 20, 2021, the Committee timely filed the 7-Day Special Election C-4 report covering the period April 6 through 19, 2021, disclosing \$0 contribution or expenditure activities, and no debts or orders placed.
- On April 21, the Committee filed a C-6 Independent Expenditure report, listing a \$3,921.53 expenditure made to ASM Direct Mail for 5,907 postcard mailers, with the expenditure date of March 30, 2021 and presented to the public April 8, 2021.
- On May 12, 2021, the Committee filed an amended 21-Day Special Election C-4 report disclosing new information that included a \$150 monetary contribution, and a March 30, 2021, \$3,921.53 expenditure made to ASM Direct Mail to print and mail 5,907 mailers. The ASM Direct Mail expenditure was the Committee's largest expenditure and was disclosed 36 days late, and 15 days after the April 27, 2021 special election.
- On May 10, 2021, the Committee filed its final C-4 report, which was amended on May 12, 2021, disclosing \$5,399.01 in total contributions received and \$5,399.01 in total expenditures made. As noted in the complaint and on the Committee's C-4 report, the primary expenditure made was \$3,921.53 expenditure made to ASM Direct Mail in support of the merger.
- Staff's review indicated the mailer failed to include the proper sponsor identification as required by RCW 42.17A.320, and simply listed the Committee's website address (citizens4firemerger.org) on the first page of the mailer. The mailer failed to include the required "Paid for" or "Sponsored by" political advertising language, the mailing address of the Committee, and the top five contributor information required, since the advertisement was made in support of a local ballot proposition and was valued at more than \$1,000.
- Hess stated he attached the mailers that were sent out by C4FM and added the "learning curve of this experience has been difficult and high, due to having a separate Treasurer (Holley) and PDC filer (me), and the cumbersomeness of the PDC website which I find quite difficult. We are citizens simply trying to do what we believe is best for our community and we hold no malice toward anyone."
- Hess and PDC staff agree that there must have been some confusion or misunderstanding that took place during a telephone conversation between PDC staff and Fire Commissioner David Maehren, concerning a difference between a PAC and a political committee, and the required sponsor identification on political advertising for a ballot committee.

Based on these findings, the mitigating factors concerning the Committee's inexperience and limited spending, the fact no evidence was found of any intent to conceal true sponsorship, and the information available to the public before the election through the C-6 report, staff has

determined in this instance, the Committee's failure to: (1) accurately and completely disclose the \$3,921.53 expenditure made to ASM Direct Mail in support of the merger; and (2) to include the words "Paid for" or "Sponsored by" on the political advertisement, the Committee mailing address of the Committee, and the top five contributor information as required for the sponsor of a mailer, does not amount to findings of material violations that warrants further investigation.

However, pursuant to WAC 390-37-060(1)(d), Citizens 4 Fire Merger will receive a formal written warning concerning the failure to timely file accurate reports of contribution and expenditure activities as required for a ballot committee and to include a complete sponsor identification on political advertisements sponsored by the Committee. Staff expects the Committee will, in the future, timely and accurately file PDC reports disclosing all contribution and expenditure activities as required by law, and to follow the political advertising disclosure requirements for a ballot committee in accordance with RCW 42.17A.320.

The Commission will consider the formal written warning in deciding on future Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed the two complaints 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 pdcc@pdcc.wa.gov.

Sincerely,

/s_____

Alice Fiman
Compliance Officer

Endorsed by,

/s_____

Peter Lavalley
Executive Director