



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

January 25, 2022

Sent electronically to Jay Stark at info@votejaystark.com

Subject: Complaint filed by Michael Fertakis, PDC Case 100251

Dear Mr. Stark:

Below is a copy of an electronic letter sent to Michael Fertakis concerning the complaint filed with the Public Disclosure Commission (PDC) on October 27, 2021.

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

Pursuant to WAC 390-37-060(1)(d), however, this letter constitutes a formal warning to you concerning the failure to timely file contribution and expenditure reports in the 2021 election year. PDC staff expects that you will file timely and accurate statutory contribution and expenditure reports in the future, as required by the statutory scheme. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws/rules.

If you have questions, you may contact Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by:

s/ _____
Erick Agina, Compliance Officer

s/ _____
Peter Lavalley, Executive Director



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January 25, 2022

Sent electronically to Michael Fertakis at michaelfertakis@gmail.com

Subject: Complaint regarding Jay Stark, PDC Case 100251

Dear Mr. Fertakis:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 27, 2021. Your complaint alleged that Jay Stark, a candidate for City Council Member, Position 7, in the City of Tukwila, may have violated RCW 42.17A.235 and .240 for failure to timely and accurately file contribution and expenditure reports as required by law.

PDC staff reviewed your allegation(s); the applicable statute(s), rule(s), and reporting requirements; the Summary, Full Report Receipts and Expenditures (C-4) reports filed by Vote Jay Stark (Campaign); and the October 29, 2021, response to the complaint provided by Sandra Cook-Bensley, Treasurer, on behalf of the Campaign.

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

- On June 7, 2021, Jay Stark filed a Candidate Registration (C-1) report and selected the Full Reporting Option.

Alleged failure to report timely and accurate Contribution and Expenditure (C-4) reports (RCW 42.17A.235 and .240)

- Staff reviewed the contribution and expenditure reports filed by the Campaign and noted that the Campaign filed the 21-Day Pre-General report on September 10, 2021, but it was filed too early that it failed to include a few expenditures made by the Campaign. For example, the Campaign failed to report a \$250 expenditure for language translation services and another \$230 expenditure for accounting fees. The 21-Day Pre-General report was due on October 12, 2021, and was filed 31 days before the due date. Staff also noted that the Campaign reported \$500 more in carryforward contribution(s) (on the 7-Day Pre-General C-4 report) than was reported on the prematurely filed 21-Day Pre-General report.
- Regarding the postcard attached to the complaint as possible expenditure that was not reported on the 21-Day Pre-General C-4 report, staff noted that the Campaign depicted expenditures related to postcards on the 7-Day Pre General C-4 report for expenditures made towards postcards for 10/12/2021 (five different expenditures) and one on 10/18/2021, for a total of six separate expenditures toward postcards.

The 7-Day Pre-General C-4 report was due no later than October 26, 2021, and was filed two days late on October 28, 2021.

- In its response to the complaint, the Campaign by way of Sandra Cook-Bensley, Treasurer, stated: “There was a black out on the filing date, and I was unable to get the C4 completed...due to a car accident in my area. This was filed the next day and Amended late in the week.”
- On January 20, 2022, the Respondent successfully amended and filed four C-4 reports to better reflect the expenditures made by the Campaign in the 2021 election cycle.

Based on these findings staff has determined that, in this instance, the Campaign’s failure to timely and accurately file the 21-Day and 7-Day Pre-General (C-4) reports in the 2021 election year, does not amount to a violation warranting further investigation.

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).

However, pursuant to WAC 390-37-060(1)(d), Jay Stark will receive a formal written warning concerning his 2021 Campaign’s failure to file timely and accurate contribution and expenditure reports, as required by the statutory scheme. Mr. Stark will be informed that the Commission will consider the formal warning letter in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Endorsed by:

s/ _____
Erick Agina, Compliance Officer

s/ _____
Peter Lavallee, Executive Director

cc: Jay Stark

