



**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 21, 2022

Delivered electronically to Stephen Finley at "2stevefinley@gmail.com"

Subject: Complaint regarding Sound Publishing, PDC Case 100345

Dear Mr. Finley:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 27, 2021. The complaint alleged that Sound Publishing may have violated RCW 42.17A.345 for failure to provide timely public inspection of records pertaining to an advertisement published on October 27, 2021.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; and the responses provided by Rudi Alcott and Carol Greiling on behalf of the Respondent to determine whether the record supports a finding of one or more violations.

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

- RCW 42.17A.320 requires written political advertisements to include the name and address of the person paying for or sponsoring the advertisement.
- As detailed in PDC Case #100171 concerning a complaint filed against Seth Landau, Mr. Landau made a \$727.25 expenditure on October 27, 2021 to Mercer Island Reporter, for a newspaper advertisement that appeared in the publication the same day.
- That advertisement opposed 2021 City of Mercer Island City Council candidates Katherine A. Akyuz, Daniel Becker and Ted Weinberg, and together with a second advertisement, which is the subject of this complaint, \$643.38 total was attributable to each candidate.
- The two advertisements were sponsored by Seth Landau and published by Sound Publishing.
- RCW 42.17A.005(10) defines "commercial advertiser" as any person that sells the service of communicating messages or producing material for broadcast or distribution to the general public or segments of the general public whether through brochures, fliers, newspapers, magazines, television, radio, billboards, direct mail advertising, printing, paid internet or digital communications, or any other means of mass communications used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.
- RCW 42.17A.345 requires that a commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign maintain current books of account and related materials, as provided by rule, that shall be open for public inspection during normal business hours during the campaign and for a period of no less than five years after the date of the applicable election.

- Upon seeing the October 27, 2021 advertisement without sponsor ID, Mr. Finley contacted Sound Publishing requesting records identifying the sponsor of the advertisement.
- In his response, Mr. Alcott confirmed the phone call with Mr. Finley on October 27, 2021 and stated that although he did not have the sponsor information requested by Mr. Finley during the phone conversation, his advertising director obtained the information and promptly provided it to Mr. Finley in a follow up communication.

It appears that the Respondent may not have been familiar with the statutory definition of “commercial advertiser” or the fact that they met this definition and were legally required to comply with the provisions of the public inspection cited in RCW 42.17A.345. Although Sound Publishing ultimately provided the sponsor information to the Complainant, it was not readily available as required.

Based on our findings staff has determined that, in this instance, failure to immediately provide sponsor information upon request as a commercial advertiser does not amount to a finding of a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Sound Publishing will receive a formal written warning concerning failure to timely respond and disclose the sponsor of political advertisement upon request as a commercial advertiser. The formal written warning will include staff’s expectation that Sound Publishing timely responds to requests for public inspection of the books of account in future election campaigns. The Commission will consider the formal written warning in deciding on further 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 this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed
Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed
Peter Frey Lavalley
Executive Director

cc: Sound Publishing