



**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.pdcc.wa.gov

September 18, 2024

Delivered electronically to service@capitolcitypress.com , ken@capitolcitypress.com and carrie@capitolcitypress.com

Subject: Complaint filed by Conner Edwards, PDC Case 156689

Dear Capitol City Press:

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

As noted in the letter to Conner Edwards, 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.

However, pursuant to [WAC 390-37-060\(1\)\(d\)](#), this serves as a formal written warning concerning your failure to timely provide access to your commercial advertiser books of account as noted in the enclosed letter sent to Mr. Edwards. In the future, PDC staff expect Capitol City Press to monitor the email address they provide to the public for commercial advertiser books of account inspection requests, timely respond to such requests, and maintain commercial advertiser records in a manner that allows for the timely completion of the requested inspection. The Commission will consider this 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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed Tabatha Blacksmith
Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavalley
Peter Frey Lavalley
Executive Director



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September 18, 2024

Delivered electronically to cg.edwards53@gmail.com

Subject: Complaint regarding Capitol City Press, PDC Case 156689

Dear Conner Edwards:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on July 8, 2024. The complaint alleged that Capitol City Press, a commercial advertiser, may have violated RCW 42.17A.345 and WAC 390-18-050 for failure to timely provide an inspection of their commercial advertiser books of account.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and requirements; the responses provided by Capitol City Press (the “Respondent”); and other relevant information to determine whether the record supports a finding of one or more violations.

Applicable Laws & Rules

[RCW 42.17A.345](#) requires each commercial advertiser¹ who has accepted or provided political advertising or electioneering communications during an election to maintain current books of account and related materials, as provided by rule, and make them available and open for inspection during normal business hours during the election and for a period of no less than five years after the date of the applicable election. These documents and books of account shall include the following:

- 1) the names and addresses of persons² from whom the commercial advertiser accepted political advertising or electioneering communications;
- 2) the exact nature and extent of the services rendered; and
- 3) the total cost and the manner of payment for the services.

¹ A “commercial advertiser” means any person that sells the service of communicating messages or producing material for broadcast or distribution to the general public (or segments thereof), 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.005\(10\)](#).

² A “person” includes “an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.” [RCW 42.17A.005\(39\)](#).

[WAC 390-18-050](#) states that commercial advertiser books of account information must be made available for public inspection by any person, and provided in one of the following manners:

- 1) in person during normal business hours;
- 2) electronically, in machine readable format and structured in a way that enables the data to be fully discoverable and usable by an end user;
- 3) by digital transmission, such as email, promptly upon request, but no later than two business days; or
- 4) by online publication on the advertiser's primary website or on a website created for this purpose that is controlled by the advertiser, if a link is prominently displayed on the advertiser's primary website directing users to the latter.

Commercial advertiser books of account must be updated within 24 hours of the distribution or broadcast of an advertisement or communication and any updates or changes to this information. WAC 390-18-050(6) & (7) provide a detailed list of the information to be maintained and made available for public inspection, including but not limited to: 1) the name of the candidate or ballot proposition supported or opposed; 2) a copy of the advertisement or communication; 3) the name and address of the sponsor of the advertising or communication; 4) dates of service; 5) the total cost; 6) payment information; and 7) a description of the major work components or tasks performed.

Background & Findings

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

- Capitol City Press is a business that provides printing, direct mail, signs and graphics, packaging, and content creation and digital strategy services. The company's website www.capitolcitypress.com states it has two locations (Tumwater, WA and Bellingham, WA) and displays contact information, including a telephone number, email address and physical addresses at which it may be reached. The email address provided to the public is service@capitolcitypress.com.
- In your July 8, 2024 complaint, you indicated that you emailed the Respondent on June 28, 2024 at the email address provided on its website (service@capitolcitypress.com) requesting to view their "commercial advertising books of account" and did not receive a response. A copy of your email request was provided with the complaint.
- On July 16, 2024, PDC staff opened a case for your complaint and notified the Respondent using the email address of record on their website. When no response was received, staff called the Respondent and was provided with a different email address (ken@capitolcitypress.com) for matters concerning commercial advertiser books of account inspection requests.
- On July 24, 2024, PDC staff forwarded a copy of your complaint to the Respondent at ken@capitolcitypress.com and received a response within 24 hours. The Respondent indicated they were in contact with you and working on a time to have you inspect their commercial advertising (political) records.
- Later the same day (7/24/24), the Respondent reached out to the PDC by email and requested confirmation regarding whether they are required to disclose non-political/non-election related content from their business customers during a commercial advertiser

books of account inspection. We confirmed that only details regarding political advertising and electioneering communications were disclosable. The Respondent also expressed their belief that you expected to review all their records, including the work performed for non-political customers, and said you refused to schedule an inspection appointment until you could review all their records for the last five years.

- However, the emails between you and the Respondent, dated July 24, 2024 and July 26, 2024, reveal that you asked to inspect the company's "complete commercial advertiser books of account" including records relating to all "political advertising" sold within the last five years.
 - Upon learning that the Respondent's commercial (non-political) and political invoices were not separated, you asked for clarification regarding whether this meant that all the company's invoices would be made available to you. The Respondent replied to your query by sharing the information it had received from the PDC confirming the scope of a books of account inspection. No specific request from you for non-political records appears in the emails we reviewed.
 - In the above emails, the Respondent repeatedly asked when you were available to view invoices at their Tumwater location. Although not an overt refusal to schedule a books inspection, your responses failed to address the Respondent's questions concerning your availability.
- In their written response to the complaint, dated July 26, 2024, the Respondent confirmed the company received your request for a books of account inspection on June 28, 2024 but said they felt the request was vague because no specific information or customers were named, and they were uncertain how to proceed. The Respondent indicated they had called the PDC for guidance and were in the process of researching the requirements when your complaint was filed. The Respondent stated they first responded to you on July 24, 2024, which is 26 days from the date of your request.
- On July 31, 2024, the Respondent replied to an inquiry from PDC staff regarding the status of the pending commercial advertiser books of account inspection and said they would be in contact with you shortly to let you know when they would be finished separating their commercial (non-political) and political invoices.
- On August 12, 2024, the Respondent replied to another inquiry from PDC staff regarding the status of the pending books inspection and confirmed they had emailed you that morning to let you know they had finished separating their books on August 9, 2024. The total time elapsed between the date of your request and the date the Respondent's records were separated and made available to you for inspection was 42 days.
- You emailed PDC staff on September 3, 2024 to inform us you had completed your inspection of the Respondent's books of account, which you said were well organized. You indicated the Respondent's helpful staff assisted you in locating the information you sought.
- The Respondent does not have previous warnings/violations of PDC requirements. However, PDC staff issued Capitol City Press a written reminder on December 26, 2023 concerning their obligation to respond to requests to inspect their commercial advertiser books of account (see [PDC Case 145373](#)). In the prior case, the requester also used

service@capitolcitypress.com to ask for records and followed up with the company by telephone but was unable to obtain the required inspection.

Summary and Resolution

Noncompliance appears to partly be the result of systemic or ongoing problems concerning the Respondent's handling of incoming requests for commercial advertiser books of account inspection requests sent to service@capitolcitypress.com. When PDC staff sought to obtain a response to this complaint from the Respondent using the above email address, we did not receive a reply. After contacting the Respondent by telephone, PDC staff were provided with a different email address (ken@capitolcitypress.com) for matters related to commercial advertiser books of account inspection requests. However, the Respondent does not provide their preferred email (or any other guidance) for commercial advertiser books of account requests on their website, which seems to have contributed to the extended timeline to address your request.

Other factors that led to a significant delay in fulfilling your commercial advertiser books of account inspection request included the Respondent's 1) failure to seek out clarification from you and/or guidance from PDC staff earlier in the process regarding its uncertainty concerning the scope of your request; and 2) commingling of commercial advertiser and non-commercial advertiser records, the subsequent separation of which caused an additional two-week delay.

Based on our findings, staff has determined that, in this instance, the Respondent's failure to timely provide an inspection of its commercial advertiser books of account does not appear to be a violation that warrants further investigation.

Pursuant to [WAC 390-37-060\(1\)\(d\)](#), however, Capitol City Press will receive a formal written warning concerning their failure to timely provide access to their commercial advertiser books of account. The formal written warning will include staff's expectation that Capitol City Press monitor the email address they provide to the public for commercial advertiser books of account inspection requests, timely respond to such requests, and maintain commercial advertiser records in a manner that allows for the timely completion of the requested inspection. 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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov.

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cc: Capitol City Press