

[Tanya Mercier](#)

emailed lrayjensen@hotmail.com

4 days ago (Fri, 15 Nov 2024 at 12:12 PM)

From: pdc@pdc.wa.gov

Cc:Producelane@yahoo.com

Hello Mr. Jensen,

I am a PDC Compliance Officer working on a case against Rylee Fleury for his 2024 campaign.

It has come to my attention that you are the owner of the property where campaign signs, paid for by Michael McDaniel, in support of Rylee Fleury were erected. And according to the campaign registration, you are also the Assistant Treasurer, an officer, for the 2024 Rylee Fleury campaign.

We have determined that prior to the display of the campaign signs there was consultation with the campaign, through you the assistant treasurer, and Mr. McDaniel the person that provided the banners and construction of the signage. It also appears that Mr. Fleury cooperated with the implementation of the political advertising since he was present for the construction and unveiling of the banners and did not object to their completion. The cost or fair-market-value, if a cost cannot be determined, for the banners, their construction, and the donated value of the property upon which they are erected should have been reported by the campaign as an in-kind contribution to the campaign.

Are you willing to provide me with the fair-market-value, or cost, for the use of your farmland associated with the political advertising in question? Please respond to this email by Monday, November 18, 2024, with the requested information. Or, if you would prefer to have a conversation about the requested information, please let me know by Monday and I will schedule a meeting for us in the coming week.

For your information, you can find out how to determine fair-market-value by reviewing [WAC 390-05-235](#).

Thank you,

Tanya Mercier

Compliance Officer

Public Disclosure Commission

Office Phone Number: (360) 753-1111

pdc@pdc.wa.gov

11-18-2024

Public Disclosure Commission
Attn: Tanya Mercier, Compliance Officer
PO Box 40908 Olympia, WA 98504-0908
Via Certified Mail, Return Receipt Requested
Re: Response to PDC Inquiry Regarding Campaign Signs

Ms. Mercier:

I am responding to your email dated November 15, 2024 regarding campaign signs on my private property. I am compelled to note at the outset that this inquiry appears to exceed PDC authority and may constitute harassment of a campaign treasurer. My role as Assistant Treasurer does not transform my private property rights into campaign assets.

1. Jurisdictional Challenge and Constitutional Protection

The display of political signs on private property represents core political speech protected by both the First Amendment and Article I, Section 5 of the Washington State Constitution. The Supreme Court has consistently held that political speech on private property receives the highest level of constitutional protection. See *City of Ladue v. Gilleo*, 512 U.S. 43 (1994); *Reed v. Town of Gilbert*, 576 U.S. 155 (2015).

2. Personal Relationships and Private Property Rights

The PDC's attempt to characterize personal relationships and neighborly courtesies as reportable campaign contributions sets a dangerous precedent. Mr. McDaniel and I have a long-standing friendship predating any campaign involvement. The permission to place signs was granted in this personal capacity, not in any official campaign role. The containers in question maintain their primary agricultural use, with only their exterior surfaces being used for sign placement.

3. Specific Washington State Regulatory Exemptions

Your inquiry overlooks multiple explicit exemptions under Washington law that preclude any reporting requirement:

a) Under WAC 390-05-210, no reportable contribution exists because:

- The property maintains its primary business use
- No charge was assessed for the sign placement
- The permission was granted "in the ordinary course of business"

b) WAC 390-17-405 specifically exempts:

- Use of personal property
- Use of private space
- Activities not resulting in actual expenditures

c) RCW 42.17A.005(15) explicitly excludes:

- "The rendering of personal services of the sort commonly performed by volunteer campaign workers"
- "Incidental expenses personally incurred by campaign workers not in excess of fifty dollars"

d) PDC Interpretation No. 07-02 further clarifies that:

- Private property owners may display political signs without it being considered a contribution
- Voluntary political expression doesn't require reporting
- Incidental use of private property for political speech is protected

4. Absence of Campaign Coordination

Your assertion of "consultation" and "cooperation" mischaracterizes the situation. The campaign had no involvement in the sign placement. Mr. McDaniel acted independently in requesting permission to place signs, as is his constitutional right. The presence of any candidate at the location does not transform protected speech into a campaign contribution.

5. Constitutional Concerns and Chilling Effect

Any attempt to require reporting of private property use for political expression would have a chilling effect on core political speech and invite constitutional challenge. See *Citizens United v. FEC*, 558 U.S. 310 (2010). The PDC's position would lead to absurd results:

- Would every yard sign require a "fair market value" calculation?
- Must homeowners report the square footage used for window signs?
- How would one calculate the value of a fence or barn used for political expression?

Such requirements would render campaign finance laws unconstitutionally vague and overbroad.

6. Documented Facts

For your records, I have documented:

- Continued agricultural use of the containers
- Absence of any monetary exchange
- Pre-existing friendship with Mr. McDaniel
- Independent nature of sign placement
- No campaign involvement in sign placement decisions

7. Legal Framework

Multiple courts have rejected attempts to characterize political expression on private property as reportable campaign contributions:

- Citizens United v. FEC, 558 U.S. 310 (2010)
- Meyer v. Grant, 486 U.S. 414 (1988)
- McCutcheon v. FEC, 572 U.S. 185 (2014)

The Washington State Supreme Court specifically recognized in *Collier v. City of Tacoma*, 121 Wn.2d 737 (1993), that "the right of an owner to use private property to communicate ideas" is "protected by both the First Amendment and article I, section 5 of the Washington State Constitution."

8. PDC Authority Limitations

The PDC lacks authority to:

- Assign monetary value to constitutionally protected speech on private property
- Require reporting of non-monetary expressions of political support
- Burden property owners' First Amendment rights
- Transform basic political expression into reportable contributions

Conclusion

Given the clear legal exemptions, constitutional protections, and absence of any reportable contribution, I respectfully request that this matter be closed immediately. Any further pursuit of this inquiry could be viewed as an attempt to chill protected political

speech and subject the PDC to liability under 42 U.S.C. § 1983 for deprivation of constitutional rights under color of law.

The placement of political signs on my private property involves no reportable contribution and represents core political speech protected by both the U.S. and Washington State Constitutions. Your request for "fair market value" of this constitutionally protected activity exceeds PDC authority and improperly burdens First Amendment rights.

Sincerely,

Larry Jensen

Date

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cc: Local ACLU chapter,

Secretary of State, Elections Division