

Mercier, Tanya (PDC)

From: PDC Support <pdcc@pdcc.wa.gov>
Sent: Wednesday, November 13, 2024 4:54 PM
To: Mercier, Tanya (PDC)
Subject: [TICKET Customer Reply] - Campaign Signs along Highway 20 for Rylee Fleury

External Email

Hi Tanya Mercier,

The customer has responded to the ticket.

Campaign Signs along Highway 20 for Rylee Fleury

Ticket comment

External Email

November 13, 2024

Public Disclosure Commission

Evergreen Plaza, 711 Capitol Way S #206,

Olympia WA 98504

Re: Affidavit of Information concerning Banner Sign

Dear Tanya Mercier,

I, Michael McDaniel, am writing in response to your recent notice regarding the sign erected on Larry Jensen's farm visible from State Road 20. Your letter states that you desire to know my expenses, costs and equipment used. I respectfully decline to expose my private business to an unknown source for the following reasons.

- 1. I am a business owner that rents equipment to the public.
- 2. I have a personal right of free speech guaranteed by the First Amendment of the United States Constitution, to erect signs on private property at my

expense, without reporting my reasons or explaining why I spent the money as that is also my right to privacy.

- 3. The Supreme Court and lower courts have consistently upheld the right of property owners to display signs on their private property as a form of free speech. This principle has been firmly established through several landmark decisions:

1. *Reed v. Town of Gilbert*, 576 U.S. 155 (2015): The Court held that content-based restrictions on signs are subject to strict scrutiny and are presumptively unconstitutional.

2. *City of Ladue v. Gilleo*, 512 U.S. 43 (1994): The Court struck down a broad ban on residential signs, recognizing that such signs are a venerable means of communication that is both unique and important.

3. *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981): While this case dealt primarily with commercial speech, it established that noncommercial speech is afforded greater protection than commercial speech in the context of billboards and signs.

4. *Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984): While upholding a ban on posting signs on public property, the Court distinguished between public and private property, implying stronger protections for signs on private property.

5. *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410 (1993): The Court struck down a city ordinance prohibiting the distribution of commercial handbills through newsracks on public property, emphasizing that restrictions must be content-neutral and narrowly tailored.

6. *Linmark Associates, Inc. v. Willingboro*, 431 U.S. 85 (1977): The Court struck down a town ordinance prohibiting "For Sale" signs, highlighting the importance of on-site signs for communicating messages.

7. *Snyder v. Phelps*, 562 U.S. 443 (2011): While not directly related to signs, this case reaffirmed broad First Amendment protections for speech on matters of public concern, even when that speech is controversial or offensive.

8. *Thomas v. Chicago Park District*, 534 U.S. 316 (2002): The Court emphasized that any permit scheme regulating speech must contain adequate procedural safeguards and be content-neutral.

Lower court decisions have also supported these principles:

9. *Neighborhood Enterprises, Inc. v. City of St. Louis*, 644 F.3d 728 (8th Cir. 2011): The court struck down a sign code as content-based and unconstitutional, reinforcing protections for noncommercial speech on private property.

10. *Dimmitt v. City of Clearwater*, 985 F.2d 1565 (11th Cir. 1993): The court invalidated an ordinance that regulated the display of flags and other signs, emphasizing the need for content-neutrality in sign regulations.

The doctrine of stare decisis strongly supports my right to maintain this sign. This principle of adhering to precedent is fundamental to our legal system and ensures consistent application of constitutional protections.

I understand the state's interest in maintaining safe and attractive roadways. However, this interest must be balanced against the fundamental right of free speech. As the Supreme Court noted in *City of Ladue v. Gilleo*, residential signs are a "venerable means of communication that is both unique and important."

Given these established legal precedents, the constitutional protections afforded to free speech, and my intention to remove this sign by November 30, 2024, I respectfully request that you rescind your notice of removal. The signs represents protected speech on private property and should not be subject to immediate removal or abatement procedures.

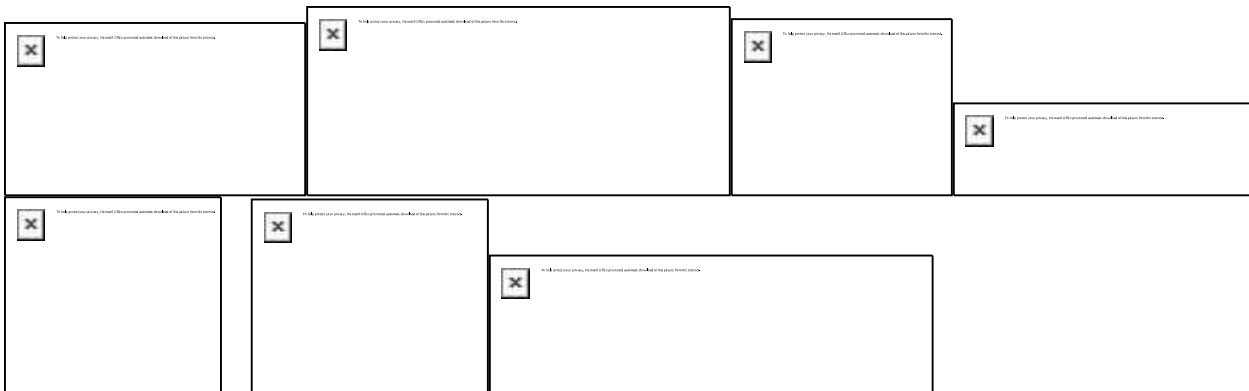
I invited several acquaintances to watch the erection of this landmark statement of my personal feelings. At this time the list of my acquaintances are also my private business. Thank you for your attention to this matter. I look forward to your prompt response confirming that no further action will be taken against the sign on the private property that I have chosen for my expression of free speech property before its planned removal on November 30, 2024.

Sincerely,

Michael McDaniel

Sincerely,

Michael McDaniel, General Manager | Ideal Rent-All
919 East College Way, Mount Vernon, WA 98273
O: (360) 424-3224 | M: (425) 328-0015



From: PDC Support <pdcc@pdcc.wa.gov>
Sent: Thursday, November 7, 2024 4:10 PM
To: Michael McDaniel <mike@idealrentall.com>
Subject: Campaign Signs along Highway 20 for Rylee Fleury

Hello Mr. McDaniel,

I am the Compliance Officer working on a case against Rylee Fleury.

Mr. Fleury has provided me your contact information so that I can ask you a few questions. So that I can keep this case moving forward and work toward a resolution, your prompt response is appreciated. Please reply by Thursday, November 14, 2024.

You have previously provided an affidavit indicating that you voluntarily caused to be erected banner signs on private property along Highway 20 in Skagit County. One sign measured approximately 40'x20' and the other is 40'x10'. You've indicated that you also provided the high-lift equipment to install the signs.

1. What was your cost for the banners?
2. If you were to rent the high-lift for use, similarly to how you used it in this instance, and for the amount of time that it took to install the signs, what would the cost have been?
3. We know that Mr. Fleury was invited to the installation of the signs. Was there any prior contact between you and Mr. Fleury regarding the signs? If yes, please explain.
4. What is the address for the location where the signs are erected and what is the name of the property owner?

Thank you,

Tanya Mercier
Compliance Officer
Public Disclosure Commission
Office Phone Number: (360) 753-1111
pdcc@pdcc.wa.gov

****Please use Reply when responding to this email**

Washington State law established email as the Public Disclosure Commission's (PDC) official means of communication as of June 7th, 2018 (RCW 42.17A.055), and this is how we primarily communicate with people outside of the agency. Person's required to file reports with the PDC have a requirement to maintain their information, within 10 days, for all material changes. Changes to contact information, including a valid email address, is a material change to the information kept on record by the PDC. Please ensure your email address is up to date.

<https://wapdc.freshdesk.com/helpdesk/tickets/161916>