



**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

March 5, 2025

Delivered electronically to support@brian4judge.com

Subject: Complaint filed by Nicholas van Putten, PDC Case 161278

Dear Brian Wasankari:

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

As noted in the letter to Nichola van Putten, 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 comply with the filing requirements noted in the enclosed letter sent to Mr. Van Putten. PDC staff expect you to timely and accurately disclose all contributions and expenditures on C-4 reports in the future, including in-kind contributions. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

When a C-4 report is filed early, you are reminded to disclose any subsequent activity that occurs within the C-4 reporting period by amending the report. PDC staff are also reminding you about the importance of providing sufficient descriptions for expenditures and in-kind contributions on C-4 reports, including but not limited to, the vendor's name and address, the number of yard signs or items printed, the type of advertising (e.g. digital) and their run dates. PDC staff expect that, in the future, you will include such details on C-4 reports in accordance with PDC laws, rules, and guidance.

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 Kim Bradford
Kim Bradford
Deputy Director
For Peter Frey Lavalley
Executive Director



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March 5, 2025

Delivered electronically to nic@progressivestrategiesnw.com

Subject: Complaint regarding Brian Wasankari, PDC Case 161278

Dear Nicholas van Putten:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 18, 2024. The complaint alleged that Brian Wasankari, a 2024 candidate for Pierce County Superior Court Judge, may have violated RCW 42.17A.235, .240 and .555 by failing to timely and accurately report a mailer (postcard) expenditure, and using a courtroom photo in an election campaign. These allegations are addressed herein.

You also indicated your belief that candidate Wasankari's uniformed appearance in a photo implied endorsement by the military and should have included a caption. However, the photo is not sufficient evidence of false endorsement, and the PDC does not regulate the use of military uniforms. Candidate Wasankari did include a [disclaimer](#) on his website affirming that he was not endorsed by the Army.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the responses provided by Brian Wasankari (the "Respondent"); the applicable PDC reports filed by 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.555](#) prohibits elected or appointed officials, their employees, and employees of a public office or agency from using, or authorizing the use of, public office/agency facilities¹ (resources), directly or indirectly, for the purpose of assisting an election campaign or for the promotion of, or opposition to, any ballot proposition.
- [WAC 390-05-271\(2\)](#) states that RCW 42.17A.555 does not prevent a public office or agency from making facilities available on a nondiscriminatory equal access basis for political uses.

¹ "Facilities" include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency.

- [PDC Interpretation No. 04-02](#) are guidelines set forth by the PDC to aid local governmental agencies in complying with RCW 42.17A.555.
- Candidates are required to register pursuant to [RCW 42.17A.205](#) by filing a *Candidate Registration* (C-1 report) with the PDC. A candidate that selects the Full Reporting option on their C-1 report is required to report contributions and expenditures to the PDC on *Cash Receipts Monetary Contributions* reports (C-3 reports) and *Campaign Summary Receipts & Expenditures* reports (C-4 reports) pursuant to [RCW 42.17A.235](#) & [RCW 42.17A.240](#). The due dates for these reports are based upon the election cycle, the candidate's election participation, and their financial activity.
- Pursuant to RCW 42.17A.240(7), expenditures are disclosed on C-4 reports, which must include, but are not limited to: 1) the name and address of each person to whom an expenditure was made in the aggregate of more than \$200² during the period covered by the report; 2) the amount, date, and purpose of each expenditure; and 3) the total sum of all expenditures. Purpose details should state the goods or services provided by the vendor, including the number of items purchased, identify any candidates or ballot propositions supported or opposed by the expenditure, and the name & address of any sub-vendors used. For advertising expenditures, campaigns should describe the type and number of ads, where they appeared or were broadcast, and when (e.g. run dates). A report of an in-kind contribution should include the same details since it is made in lieu of a direct expenditure by the campaign.
- Pursuant to RCW 42.17A.235(10), amended C-3 and C-4 reports should be submitted within 21 days of filing the original report. If there is no pending complaint about the report being amended and it meets the conditions set forth in .235(10)(a) through (d), it is not evidence of a violation to submit an amended report within 21 days of the original report.

Background & Findings

- The Respondent was a 2024 candidate for Superior Court Judge in Pierce County Superior Court who lost in the General Election. According to his [website](#), he is a member of the U.S. Army Reserve.
- The Respondent registered as a candidate with the PDC on May 9, 2024, and selected the Full Reporting option on his C-1 report (*Candidate Registration*).
- The Respondent placed an order for postcards with Print NW on October 10, 2024.
- On October 14, 2024, the Respondent's campaign timely filed a 21-day pre-General C-4 report (covering 9/1/24-10/14/24) that did not disclose an expenditure or in-kind contribution for the postcard mailer you said you received on October 16, 2024. The postcard order with Print NW

² Per [WAC 390-05-400](#), this dollar amount increased from \$50 to \$200 effective April 1, 2023.

was not outstanding for more than five business days and therefore did not need to be reported as debt on the 21-day pre-General C-4 report pursuant to RCW 42.17A.240(9)(a).

- On October 28, 2024, the Respondent responded to the complaint in writing and stated the following:
 - The campaign's expenditure for October postcards was made in two parts: The first payment was made from a checking account on the evening of October 14th and the second payment was made with a credit card on October 15th. Both payments were made after the campaign filed their 21-day pre-General C-4 report (covering 9/1/24-10/14/24) on October 14, 2024. The Respondent also indicated his belief that both payments were October 15th expenditures because they were posted to his account on October 15th.
 - The photo in question originated from a video that was taken, produced and published by King 5 News and posted to YouTube without the Respondent's knowledge or prior permission by a person who was not employed by Pierce County while the Respondent was engaged in the normal and regular conduct of his work. The Respondent said, as a result, no public resources were used and the allegation regarding the courtroom photo is unfounded. Nonetheless, the Respondent removed the photo from his website pending the PDC's decision.
- The Respondent's campaign timely filed a 7-day pre-General C-4 report (covering 10/15/24-10/28/24) on October 28, 2024, wherein they disclosed an in-kind contribution (expenditure) of \$6,050.07, dated 10/15/24, for "printing and mailing of postcards."
- The Respondent worked with PDC staff October 28th through November 6th to correct his 21-day and 7-day pre-General C-4 reports, which were timely amended multiple times.
- On November 6, 2024, the Respondent timely amended his 21-day and 7-day pre-General C-4 reports to disclose two expenditures totaling \$6,050.07 for 10,220 postcards, paid to Print NW by the Respondent as in-kind contributions to the campaign: 1) \$3,167.73 for postage, made on 10/14/24; and 2) \$2,882.34 for postcard printing, made on 10/15/24.
- At the PDC's request, the Respondent also amended entries on five C-4 reports to include additional description details for expenditures and in-kind contributions.
- The Respondent does not have previous warnings/violations of PDC requirements.

Courtroom Photo

The Respondent's use of a courtroom photograph in his election campaign does not appear to violate .555 for the following reasons: The photo was taken 1) by a member of the media, who made it publicly available; 2) in a location that is publicly accessible; 3) while the Respondent was engaged in normal and regular conduct. The photo does not appear to be staged, and the Respondent did not appear to be granted special access to the courtroom facilities or the photo. Importantly, neither the photographer nor the Respondent appear to be officials or employees of the Pierce County court whose facilities were

allegedly used and are therefore not subject to .555 in this instance; they also lacked the ability to authorize the use of the county's facilities.

Postcard Expenditures (In-kind Contributions)

The \$3,167.73 expenditure for postage was made by the Respondent on 10/14/24 and therefore should have been disclosed on the campaign's 21-day pre-General C-4 report (covering 9/1/24-10/14/24). The remaining \$2,882.34 expenditure, which was made by the Respondent on 10/15/24, should have been disclosed on the 7-day pre-General C-4 report (covering 10/15/24-10/28/24) instead of disclosing the entire amount (\$6,050.07) on the 7-day report. Both entries appeared on reports, albeit incorrectly, prior to the General Election. The reports were fully amended on 11/6/24, one day after the election.

Summary and Resolution

Non-compliance appears to be the result of a good-faith misunderstanding concerning the timing of reporting expenditures, which should be disclosed on reports based on the date they were made, not when the payment is processed by the vendor.

Based on our findings, staff have determined that, in this instance, failure to timely disclose an expenditure (in-kind contribution) on a C-4 report does not amount to a violation that warrants further investigation.

Pursuant to [WAC 390-37-060\(1\)\(d\)](#), however, Brian Wasankari will receive a formal written warning concerning his failure to timely and accurately disclose contributions and expenditures on C-4 reports, including in-kind contributions. The formal written warning will include PDC staff's expectation that the Respondent timely and accurately disclose all contributions and expenditures in the future. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

When a C-4 report is filed early, the Respondent is reminded to disclose any subsequent activity that occurs within the C-4 reporting period by amending the report. PDC staff are also reminding the Respondent about the importance of providing sufficient description details for expenditures and in-kind contributions on C-4 reports, including but not limited to, the vendor's name and address, the number of yard signs or items printed, the type of advertising (e.g. digital) and their run dates. PDC staff expect that, in the future, you will include such details on C-4 reports in accordance with PDC laws, rules, and guidance.

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 Kim Bradford

Kim Bradford
Deputy Director
For Peter Frey Lavallee
Executive Director

cc: Brian Wasankari