



Larry R. Jensen
15356 Produce Lane
Mount Vernon, WA 98273

TO: Tanya Mercier
Compliance Officer
Public Disclosure Commission
Evergreen Plaza,
711 Capitol Way S #206,
Olympia, WA 98504

March 6, 2025

You requested that respond by email.

I will do the best I can to respond by email, but I don't always have a scanner available to scan documents especially when I traveling. I am leaving for an out of country trip planned some time ago and service is uncertain for email. I will be returning to the USA on March 26, or 27 2025. Here are the answers to your questions that I was able to get as of today.

Item 1. On the front page – Here are the response.

1. The first 2 bullet points here are relating to the container and banner. This issue was addressed before. You should know that it was as simple as someone asking to use the side of the containers and me saying yes. That was about the end of it. This is not a commercial billboard with a history of fixed rental rates and has never been rented for that purpose in the past. I saw signs on the sides of buildings, 4x8 sheets of Plywood, yard signs arranged in all sorts of manors and no one has ever asked me the value when I let them use my others spaces in the past and I never charged anyone for any political space ever.

The is also a letter from Micheal McDaniel included on this topic being sent by mail. I have to pay someone to scan and there is no money in the account. The bank account has been closed and I am worried that whatever I do now will also be a donation to the campaign and you claim am over limit.

2. Peers Group, I went back to the members and asked if they could help me and Linda Fussell said she was the one that had made the contribution. The group is a group that studies the constitution and other events of the day. Her address is as follows:
Linda Fussell
P.O. Box 103

Clear Lake, WA 98235

3. Savi Bank- still working on
4. Schreur Farm Trust a copy of the check is included. I had called the office of the PDC and was told that it was totally ok to make contributions from multiple entities with the same owner. Deanna MCDougle is the person that wrote this check from that entity.

Item #2 front page

The item of \$150.00 over the limit should be classified as a loan and that would put me with in the \$1,200.00 per election cycle limit. I must have made this mistake. May I make this change?

Item # 3 front page

I was told by PDC staff that all these entities with a separate formation with the Secretary of State could each make their own contributions. I am also told that there is case law that proves this is the case and is the reason there should be no question about these donations. However Stacey Harding with Full Circle has signing authority and manages the company Full Circle Container Service Inc. I have also sent you a copy of this check by mail.

Sincerely,

Larry R Jensen

PS. Please note that any communications during this time will likely go unanswered because I am out of the USA and unlikely will be able to access emails.

DATE: March 4, 2025

TO: Washington State Public Disclosure Commission
Evergreen Plaza, 711 Capitol Way S #206
Olympia, WA 98504
Attn: Tanya Mercier

RE: Response to Inquiry Regarding Banner Sign on Shipping Containers – Case No. 166343

Dear Ms. Mercier and PDC Staff,

I, Mike McDaniel, write to address your inquiry concerning the banner sign I erected on shipping containers located on Larry Jensen's farm, visible from State Road 20, as referenced in my prior affidavit dated November 13, 2024. Your notice suggests that I must report the costs and equipment used as an in-kind political contribution to the Rylee Fleury campaign under WAC 390-16-207. I respectfully disagree. This sign was an exercise of my First Amendment right to free speech, not a campaign contribution, and the shipping containers were provided at no charge by their owner, negating any reportable value. My message—disagreeing with candidates running for re-election—is protected expression on private property, not a regulated political act under Washington law. Below, I outline the facts and legal basis supporting my position, requesting that the PDC respect my constitutional rights and close any related inquiry.

Factual Background

I am a business owner who rents equipment to the public, including shipping containers. In mid-2024, I erected a banner sign on two shipping containers owned by Valley Investments, a sole proprietorship located on Larry Jensen's private farm property with his consent. The containers were provided to me at no charge, as they were never rented out for money, the use was reflected as a personal favor, not a commercial transaction. The sign, installed on June 15, 2024, and removed by November 30, 2024, as planned, expressed my personal disagreement with incumbent candidates seeking re-election in the 2024 cycle. I used my own equipment (a hi-lift) and materials (banners costing \$150), funded from my personal resources, to voice this opinion. I invited friends to witness the installation, but no funds or support were solicited from or provided to the Rylee Fleury campaign or any political entity.

Legal Basis for Free Speech and Non-Reportability

1. First Amendment Protections

My erection of the banner sign is a core exercise of free speech, shielded by the First Amendment and upheld by the U.S. Supreme Court:

- **Reed v. Town of Gilbert**, 576 U.S. 155, 163 (2015): "Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves they are narrowly tailored to serve compelling state interests." My sign's message, critical of incumbents, is noncommercial speech on private property, subject to strict scrutiny if regulated.
- **City of Ladue v. Gilleo**, 512 U.S. 43, 58 (1994): "A special respect for individual liberty in the home has long been part of our culture and law... Residential signs are an unusually cheap and convenient form of communication." The Court struck down bans on such signs, affirming my right to express dissent on Jensen's farm.

- **Snyder v. Phelps**, 562 U.S. 443, 451 (2011): Speech on public issues, even if controversial, enjoys robust protection. My opposition to re-election candidates is a matter of public concern, not a campaign donation.

The PDC's attempt to classify this as a reportable contribution under WAC 390-16-207 ignores these precedents, infringing on my constitutional rights.

2. No Reportable Contribution Under Washington Law

RCW 42.17A.005(15) defines a "contribution" as "a loan, gift, deposit, subscription, forgiveness of indebtedness, or donation of money or anything of value... made for the purpose of influencing an election." My sign does not meet this threshold:

- **No Transfer to Campaign:** The shipping containers, provided free by Valley Investments, and my personal resources (banners, hi-lift) were not donated to the Rylee Fleury campaign or any candidate. WAC 390-16-207 requires an in-kind contribution to involve "goods or services provided to a candidate or political committee." No such provision occurred—I acted independently.

- **No Charge, No Value:** Valley Investments' confirms in their March 5, 2025 statement that the containers were lent at no cost, negating any "fair market value" to report under WAC 390-16-207(1). RCW 42.17A.005(15)(a)(i) excludes "a service provided without compensation by an individual" from contributions—my use aligns with this exemption.

- **Personal Expression, Not Campaign Support:** My sign criticized incumbents, not explicitly endorsing Fleury. Even if it implicitly supported him, the Supreme Court in *Buckley v. Valeo*, 424 U.S. 1, 21 (1976), distinguishes independent expenditures from contributions, stating: "The absence of prearrangement and coordination... alleviates the danger that expenditures will be given as a quid pro quo." My unilateral action lacks the nexus to Fleury's campaign required by RCW 42.17A.405.

3. Private Property Rights and PDC Overreach

The sign stood on private land with Jensen's permission, beyond the PDC's regulatory reach absent a clear campaign tie. *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 501 (1981), grants higher protection to noncommercial speech on private property than to public signage. WAC 390-16-207 applies to campaign-related contributions, not personal speech. The PDC's demand for cost reporting—my equipment, materials, and time—violates my privacy rights, as no law mandates disclosure of personal expenses for free speech. RCW 42.17A.001(2) aims to inform the public of campaign funding, not to burden private expression.

4. Supporting Washington Precedents

Washington law aligns with federal protections:

- **RCW 42.17A.255:** Requires reporting only for "independent expenditures" exceeding \$1,000 or explicitly advocating for a candidate with campaign coordination. My \$150 banner and free container use fall below this threshold and lack coordination, per WAC 390-16-043(2).

- *State v. Gunwall*, 106 Wn.2d 54, 61 (1986)*: Washington's Constitution (Article I, Section 5) offers broader free speech protections than the First Amendment, reinforcing my right to erect the sign without PDC interference.

Conclusion and Request

My banner sign was a personal statement of dissent, not a political contribution. The shipping containers' free use by Valley Investments, my \$150 banner, and hi-lift deployment were exercises of my First Amendment rights, not reportable under RCW 42.17A or WAC 390-16-207. The PDC's

inquiry oversteps its authority, as no law compels me to disclose private costs for protected speech on private property. I respectfully request:

- Closure of any inquiry related to this sign, acknowledging my constitutional rights.
- Confirmation that no reporting obligation exists for this independent expression.

Thank you for your attention. I await your response affirming my position.

Mike McDaniel 3/4/25

Sincerely,

Date

Mike McDaniel

919 E College Way,

Mount Vernon, WA 98273

7810

MOUNTAIN PACIFIC

ALL CIRCLE CONTAINER SERVICE INC.

5333 LOWELL LARIMER ROAD
EVERETT, WA 98208
(425) 337-8844

99-883/125

9/26/2024

PAY TO THE
ORDER OF Rylee Fleury

\$ **1,200.00

One Thousand Two Hundred and 00/100*****

DOLLARS

Rylee Fleury



MEMO

Stacy E. Hardy
AUTHORIZED SIGNATURE

PAMELA GRANAHAN
PH. (360) 422-1407
15848 STATE ROUTE 9
MOUNT VERNON, WA 98274

19-8140/3250

2271

DATE

9/29/2024

PAY TO THE
ORDER OF

Rylee Fleury

\$ 250.⁰⁰/₁₀₀Two Hundred Fifty ⁰⁰/₁₀₀

DOLLARS



P.O. Box 97050
Seattle, WA 98124-9750
800.233.2328
becu.org

MEMO

Pamela K. Lombard

SCHREUR FARM TRUST
13503 Josh Wilson Rd
Mount Vernon, WA 98273

DATE

9-29

1005

PAY TO THE
ORDER OF

Rylee Fleury

\$ 1000.⁰⁰/₁₀₀

DOLLARS



MEMO

Donation

Deann R Mc Triple

NORMAN E. JENKINS 08-89
11545 WALKER RD 767-1589
MOUNT VERNON, WA 98273

6333

98-7107/3233

41

Date

Sept 26 2024

CHECK NUMBER

Pay to the
Order of

Rylee Fleury

\$ 50.⁰⁰/₁₀₀

Dollars



1-800-272-9833
www.bannerbank.com

For

Rylee For Commissioner

Norman Jenkins

