



**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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

May 21, 2019

Delivered electronically to doakes@arcorafoundation.org

Subject: Complaint filed by Gerald Steel, PDC Case 25048

Dear: Diane Lowry Oakes, Acora Foundation

Enclosed is a copy of an electronic letter sent to Gerald Steel concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Gerald Steel, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

If you have questions, contact Alice Fiman at 1-360-586-4746 or toll-free at 1-877-601-2828, or by e-mail alice.fiman@pdc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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May 21, 2019

Delivered electronically to geraldsteel@yahoo.com

Subject: Complaint regarding Arcora Foundation, PDC Case 25218

Dear Gerald Steel:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed September 15, 2017. Your complaint alleged that the Arcora Foundation may have violated: (1) RCW 42.17A.205 by failing to register as a political committee; (2) RCW 42.17A.255 by failing to report independent expenditures in support of a 2017 fluoridation ballot proposition in Port Angeles; and (3) RCW 42.17A.320 for failing to list sponsor identification on political advertising in support of a fluoridation ballot proposition in Port Angeles.

PDC staff reviewed your allegations; the applicable statutes, rules and reporting requirements, and the response provided by Diane Lowry Oakes, President and CEO of Arcora.

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

- Arcora is The Foundation of Delta Dental of Washington, which was previously known as Washington Dental Service Foundation.
- Washington Dental Service Foundation has reported lobbying expenditures to the Public Disclosure Commissions since at least 1997.
- RCW 42.17A.005(37) defines "political committee" as "any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition."
- Oakes stated "We have not received contributions or made expenditures in support of the November 7, 2017 advisory vote. The funds spent on the Brochure are not 'in support of, or opposition to any candidate or ballot proposition' because the Brochure is an educational tool for health providers to educate patients on oral health."
- The brochure was not mailed to the general public.
- There are no 2017 expenditures or contributions in the PDC database for Arcora, Delta Dental or Washington Dental.

- In its Interpretation 07-02, the Public Disclosure Commission provides a “primary purpose” analysis to assist in applying the statutory definition of political committee.
- Oakes stated Acrora’s primary purpose is a “consistent statewide efforts to educate the public on dental health issues” not influencing an election and provided numerous examples of its educational outreach activities across the state.
- In the response to the allegation of making independent expenditures in support of a ballot proposition, Oakes also stated “the brochure attached to Mr. Steel’s complaint is not related to the November 7, 2017 advisory vote on fluoridation in Port Angeles, but is instead part of our ongoing education and outreach efforts surrounding oral health issues in Clallam County and across the state.”
- Oakes stated the brochure was created to show the results of the “Smile Survey” and did not mention the advisory vote.
- Oakes provided the PDC with other similar publications, presentations, and educational literature, both within Clallam County and across the state.
- In the November 7, 2017 advisory vote, the citizens voted against continuing with fluoridation of the municipal water supply. On Dec. 5, 2017, the Port Angeles City Council voted to accept the advisory vote and remove the city’s fluoridation equipment.

Based on these findings, staff has determined that, in this instance, the activities of the Acora Foundation do not appear to be an actual violation warranting further investigation.

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, contact Alice Fiman at 1-360-586-4746 or toll-free at 1-877-601-2828, or by e-mail alice.fiman@pdc.wa.gov.

Sincerely,

/s _____
Alice Fiman
Compliance Officer

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director