

## 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

TO:

Commissioners

FROM:

Philip E. Stutzman, Director of Compliance

DATE:

May 21, 2015

SUBJECT:

Kitsap County Deputy Prosecuting Attorney Guild, Case No. 15-042

This case involves alleged violations by *Kitsap County Deputy Prosecuting Attorney Guild* for making an over-limit in-kind contribution in the amount of approximately \$1,151 to the 2014 Russell Hauge re-election campaign, by copying graphic content, a picture of Mr. Hauge, and endorsement quotes from Mr. Hauge's publically available campaign website, and using this material in political advertising reported as an Independent Expenditure in support of Mr. Hauge.

You are being provided the Notice of Administrative Charges and Report of Investigation. Staff is working with the Respondent on a Stipulation as to Facts, Violations and Penalty.

Staff also intends to ask the Commission to opine, prospectively, on the interpretation of RCW 42.17A.005(13)(a) and WAC 390-05-210(2), and its application to RCW 42.17A.405(2) when a person copies material from a candidate's or committee's publicly available website, without consulting with the candidate or committee's campaign or seeking permission to copy the content, for use in independent expenditure political advertising supporting that candidate or ballot proposition, or electioneering communications identifying that candidate.



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# BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action Against

Kitsap County Prosecuting Attorney Guild

Respondent.

PDC Case No. 15-042

Notice of Administrative Charges

## I. Jurisdiction

The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant
to Chapter 42.17A RCW, the state campaign finance and disclosure laws; Chapter 34.05
RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate
the Report of Investigation and all related exhibits by reference.

# II. Allegations

2. Staff alleges that the Kitsap County Prosecuting Attorney Guild (Guild) violated RCW 42.17A.405(2) by making an over-limit in-kind contribution in the amount of approximately \$1,151 to the 2014 Russell Hauge re-election campaign, when the Guild copied graphic content, a picture of Mr. Hauge, and endorsement quotes from Mr. Hauge's campaign website, and used this material in political advertising reported as an Independent Expenditure in support of Mr. Hauge.

### III. Facts

3. On April 21, 2014, Russell Hauge filed a Candidate Registration (C-1 report) registering his campaign for re-election to the office of Kitsap County Prosecuting Attorney in 2014. Mr. Hauge faced three challengers, and was defeated by Tina Robinson in the November 5, 2014 general election.

- 4. On June 18, 2014, the Hauge Campaign filed a Monetary Contributions report (C-3 report) disclosing the receipt of a \$950 contribution from the Guild, the maximum allowable contribution for the 2014 primary election.
- 5. On June 21, 2014, the Guild approved expenditures for independent expenditure political advertising (IEs) that supported Mr. Hauge's re-election campaign. On July 25, 2014, the Guild timely filed a report of Independent Expenditures (C-6 report) disclosing that on July 24, 2014, it spent \$6,300 to purchase a series of newspaper and on-line advertisements from the Kitsap Sun in support of Mr. Hauge. The total cost was later revised to \$5,753 by the newspaper. The C-6 report disclosed that the IE was first presented to the public on July 24, 2014.
- 6. No evidence was found that the Guild consulted with the Hauge campaign or sought permission to copy content from Mr. Hauge's publically available campaign website.
- 7. The Guild's IE political advertising included content copied from the Hauge campaign website, including: (1) The heading "Re-Elect Russ Hauge...Kitsap County Prosecutor Democrat" using the same font, colors, and graphic design; (2) A photograph of Mr. Hauge; and (3) A quote from Congressman Derek Kilmer in support of Mr. Hauge. The Guild's political advertising also included some of the same law enforcement endorsements used by the Hauge campaign on its website.
- 8. PDC staff estimated that 20 percent of the Guild's political advertising content was copied from the Hauge campaign website. RCW 42.17A.005(13)(a)(iii) and WAC 390-05-210(2) define the term "contribution" to include, "The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee[.]" Accordingly, the Guild made an in-kind contribution to the Hauge campaign of approximately \$1,151, or 20% of the value of the Guild's \$5,753 expenditures in support of Mr. Hauge.

Kitsap County Prosecuting Attorney Guild, PDC Case No. 15-042 Notice of Administrative Charges Page 3

9. Aggregated together with the Guild's prior \$950 primary election contribution to Mr. Hauge, the Guild's \$1,151 in-kind contribution exceeded the primary election limit by \$1,151.

# IV. Law

RCW 42.17A.005(13)(a) defines "Contribution" to include "(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents; [and]

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent[.]"

WAC 390-05-210(2) *Duplicating political advertising*, states, "The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee is a contribution to the candidate or political committee."

RCW 42.17A.405(2) limits the amount of contributions that a person, other than a bona fide political party or a caucus political committee, may make to a candidate for county office, to \$950 per election. WAC 390-05-400 revises the dollar amounts for the contribution limits to reflect changes in economic conditions.

RESPECTFULLY SUBMITTED this 15th day of May, 2015.

Philip E. Stutzman

Pinite Stutzman

Director of Compliance



# STATE OF WASHINGTON PUBLIC DISCLOSURE COMMISSION

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# BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

IN RE COMPLIANCE	)	
WITH RCW 42.17A	)	Report of Investigation
	)	
Kitsap County Deputy Prosecuting	)	PDC CASE NO: 15-042
Attorney Guild	)	
	)	
Respondent	)	
	)	

# I. Background

- 1.1 On April 21, 2014, Russell Hauge filed a Candidate Registration (C-1 report) registering his campaign for re-election to the office of Kitsap County Prosecuting Attorney in 2014, selecting the Full Reporting option.
- 1.2 Mr. Hauge was elected as the Kitsap County Prosecuting Attorney in 1994. He was reelected in 1998, 2002, 2006, and 2010.
- 1.3 Mr. Hauge was defeated by Tina Robinson in the November 5, 2014 general election by a margin of 50.4 percent to 49.6 percent.
- 1.4 The Kitsap County Deputy Prosecuting Attorney Guild (the Guild) represents non-management criminal deputy prosecuting attorneys in Kitsap County.
- 1.5 On July 29, 2014, Elizabeth Coplan, Kenneth Robinson, and Kathryn Simpson jointly filed a complaint alleging that the Guild may have violated RCW 42.17A.405(2) by making over-limit in-kind contributions to the Russell Hauge re-election campaign when the Guild sponsored political advertising featuring content identical to the Hauge campaign's website and advertising. The complaint further alleged that the Hauge campaign may have violated RCW 42.17A.405(14) by accepting over-limit in-kind contributions from the Guild. **Exhibit #1.**
- 1.6 On December 5, 2014, PDC staff informed the complainants and the Hauge campaign that its initial review found no evidence that the Guild's advertising expenditures were made in cooperation, consultation, or concert with, or at the request or suggestion of the Hauge campaign, and that therefore staff would not be conducting a formal investigation into whether the Hauge campaign violated RCW 42.17A.405(14) by accepting over-limit in-kind contributions from the Guild.

# II. <u>Allegations & Summary of Investigative Findings</u>

- 2.1 The portion of the complaint investigated by PDC staff alleged that the Guild may have violated RCW 42.17A.405(2) because its political advertising contained content copied from the Hauge campaign website, and because the Guild had previously made a \$950 monetary contribution to the Hauge campaign, the maximum allowed for the primary election.
- 2.2 On June 21, 2014, the Guild approved expenditures for independent expenditure political advertising (IEs) that supported Mr. Hauge's re-election campaign. On July 25, 2014, the Guild timely filed a report of Independent Expenditures (C-6 report) disclosing that on July 24, 2014, it spent \$6,300 to purchase a series of newspaper and on-line advertisements from the Kitsap Sun in support of Mr. Hauge. No evidence was found that the Guild consulted with the Hauge campaign or sought permission to copy content from its publically available campaign website. The C-6 report disclosed that the IE was first presented to the public on July 24, 2014.
- 2.3 The Guild acknowledged that its IE advertisement included content copied from the Hauge campaign website, including: (1) The heading "Re-Elect Russ Hauge...Kitsap County Prosecutor Democrat" using the same font, colors, and graphic design; (2) A photograph of Mr. Hauge; and (3) A quote from Congressman Derek Kilmer in support of Mr. Hauge.
- 2.4 The Guild also acknowledged that its IE advertising included some of the same law enforcement endorsements used by the Hauge campaign on its website, but stated that the law enforcement officials making the endorsements worked closely with the Prosecutor's Office and were publicly known. The Guild estimated that 20 to 25 percent of its advertising content was copied from the Hauge campaign website.
- 2.5 On May 6, 2015, the Guild provided copies of invoices showing that the total amount paid to the Kitsap Sun for on-line and print advertising that supported the Hauge campaign was \$6,382. The Guild stated that the Kitsap Sun agreed to make a \$630 refund to the Guild, based the cost difference between the amount paid for an ad in the Bainbridge Independent and the value of the ad that ultimately ran. The refund resulted in a revised total cost of \$5,753 to the Guild for on-line and print advertising. Based on the Guild's estimate that 20 to 25 percent of its advertising content was copied from the Hauge campaign website, the estimated value of the copied material is between \$1,151 and \$1,438. This estimated value represents an over-limit in-kind contribution to the Hauge campaign for the primary election, because the Guild previously made a \$950 monetary contribution, the primary election limit.

# III. <u>Findings</u>

3.1 For the 2014 election cycle, four candidates filed a Declaration of Candidacy seeking the office of Kitsap County Prosecuting Attorney. Mr. Hauge, the incumbent Prosecuting Attorney, had three challengers, as follows:

- On June 2, 2014, Bruce Danielson filed a C-1 report, selecting the Mini Reporting option and disclosing that he was a candidate for Kitsap County Prosecuting Attorney in 2014. Mr. Danielson had previously been a candidate for State Supreme Court in 2102, Kitsap County Prosecutor in 2010, and Kitsap County Superior Court Judge in 2004 and 2008.
- On May 21, 2014, Tina Robinson filed a C-1 report, selecting the Full Reporting option and disclosing that she was a candidate for Kitsap County Prosecuting Attorney in 2014. She was a first-time candidate.
- On May 21, 2014, Robert Scales filed a C-1 report, selecting the Full Reporting option and disclosing that he was a candidate for Kitsap County Prosecuting Attorney in 2014. Mr. Scales was a Bainbridge Island City Councilmember from 2004 through 2013.
- 3.2 The results of the August 5, 2014 primary election were as follows: (1) Russell Hauge (37. 5%); (2) Tina Robinson (32.4%); (3) Robert Scales (15.7%); and (4) Bruce Danielson (14.3%).
- 3.3 On June 18, 2014, the Hauge Campaign filed a Monetary Contributions report (C-3 report) disclosing the receipt of a \$950 contribution from the Guild, the maximum allowable contribution for the 2014 primary election.
- On July 25, 2014 the Guild timely filed a C-6 report disclosing that on July 24, 2014, the Guild made a \$6,300 IE to purchase a series of newspaper advertisements in the Kitsap Sun in support of Mr. Hauge's campaign for re-election. **Exhibit #2.** The C-6 report disclosed that an IE advertisement was first presented to the public on July 24, 2014.
- 3.5 Staff reviewed the Guild's IE newspaper and on-line advertisements that supported Mr. Hauge, and compared it material found on the Hauge campaign website. Staff estimated that approximately 20 percent of the content in the Guild's advertisements was identical to content found on the Hauge campaign website, including the following:
  - 1) The heading "Re-Elect Russ Hauge...Kitsap County Prosecutor Democrat" appeared in both advertisements using the same font, colors, and graphic design;
  - 2) The same photograph of Russ Hauge was used in both advertisements;
  - 3) The same quote from Congressman Derek Kilmer appeared in both advertisements: "Russ had been keeping our community safe for over nineteen years. He is passionate, hard-working, and one of the most down to earth people I know. I'm proud to support his re-election." (The Hauge campaign website included a photograph of Congressman Kilmer along with the quote, and the quote appeared in a different font, color and design.)
- 3.6 The remaining 80 percent of the Guild's IE newspaper advertisement included the Guild's sponsor identification information; four state and local government officials' endorsements of Mr. Hauge; and additional statements in support of Mr. Hauge.

# Kitsap County Deputy Prosecuting Attorney Guild Responses:

- 3.7 On August 8, 2014, Chad Enright, then-President of the Guild, submitted a letter responding to the complaint. Mr. Enright stated that the Guild voted to spend funds in support of Mr. Hauge's candidacy on July 21, 2014. Exhibit #3.
- 3.8 Mr. Enright stated the job of preparing the IE advertisements was undertaken by Guild Vice President Farshad Talebi, who designed the text of the advertisements and contacted the Kitsap Sun and other local papers about advertising rates. He stated that the graphic design of the advertisement was prepared by the Kitsap Sun advertising department, and that he (Mr. Enright) approved the advertising, authorized payment, and prepared the PDC form C-6 declaration.
- 3.9 Mr. Enright stated that Mr. Hauge's campaign was not advised, consulted, or even notified that the Guild had purchased an advertisement, and there was no cooperation and coordination between the Guild and Mr. Hauge concerning the advertisement. While there were a number of Guild members who volunteered for the Hauge campaign, he denied that work indicated Mr. Hauge or his campaign collaborated with the Guild on the Guild's IE advertisement.
- 3.10 Mr. Enright stated that the Guild used the graphic content of the phrase "Re-Elect Russ Hauge" taken from Mr. Hauge's campaign website. The Guild asked the Kitsap Sun to take Mr. Hauge's photograph from Mr. Hauge's public campaign website, since the Guild was prohibited from collaborating with the Hauge campaign, and because the Guild believed it was prohibited from directly asking the campaign for a picture of Mr. Hauge.
- 3.11 Mr. Enright stated the Guild's advertising included a link to the Hauge campaign's website in order to redirect readers to the website in case they wanted to know more about Mr. Hauge. He acknowledged the Guild used some of the same law enforcement endorsements that Mr. Hauge listed on his campaign website, but noted that the individuals listed in the Guild's advertisements all worked closely with the Prosecutor's Office and were publicly known. He denied that listing these endorsements in the Guild's IE advertising created a contribution to Mr. Hauge.
- 3.12 Mr. Enright stated that after being informed of the complaint, the Guild immediately reviewed the relevant law and rules cited by PDC staff concerning the definition of a contribution found in RCW 42.17A.005(13)(a)(iii) and WAC 390-05-210(2). He said the Guild asked the Kitsap Sun to adjust the "Re-Elect Russ Hauge" graphic so it would not match the graphic from the Hauge campaign website in an advertisement that was scheduled to run on August 3, 2014.
- 3.13 Mr. Enright stated the Guild would not continue to use the graphic "Re-Elect Russ Hauge" as used on the Hauge campaign website or any other campaign material. He went on to state:
  - "Our advertisement used a quote from Congressman Derek Kilmer that was also used by Mr. Hauge's website. The Kilmer quote is not the property of the Hauge campaign and we are unaware of any prohibition against using the same public

quote from a public official. It is a known public statement by a known public person."

- Mr. Enright stated that the Guild should have produced the statement "Re-Elect Russ Hauge" in the IE advertisement using a different graphic design than the one used by the Hauge campaign.
- He stated that doing so "would have prevented implications that Mr. Hauge was involved or collaborated in the design. Therefore, we concede that this may have been a violation. But the sponsorship of the advertisement was prominently displayed...."
- He stated that the Guild did "...not believe this is a material violation due to lack of injury."
- Finally, he stated that the Guild does "...not intend to appeal any reasonable findings or penalties if the commission deems them necessary."
- On January 5, 2015, Philip Bacus submitted a letter on behalf of the Guild, in response to PDC staff's request for additional information concerning the IE undertaken by the Guild in support of Mr. Hauge. **Exhibit #4.** Mr. Bacus responded to PDC staff's request that the Guild "quantify the percentage" of its IE advertisements that had been copied from the Hauge campaign website.
- 3.15 Mr. Bacus stated that based on his discussions with PDC staff concerning the space allocation for the advertisement "...the Guild roughly estimates that approximately 20 to 25% of the advertisement space was comprised of materials taken from the Official Hauge website..." He went on to state:
  - Mr. Bacus stated that the remaining 75 to 80 percent of the Guild's advertisement was original information about Russ Hauge that was published by the Guild and relevant to its membership.
  - He stated that the vast majority of the information in the Guild's IE advertisements constituted "...the most substantive and persuasive portions of the advertisements..."
  - He stated that the "Guild substantially complied" with the PDC laws and rules, but understands "...that the interpretation of these regulations by the Commission allows for no materials to be taken from...." a candidate's website if an IE is undertaken for that candidate without triggering an in-kind contribution.
  - Concerning the "Re-Elect" banner and the picture of Mr. Hauge, both taken from the Hauge website, Mr. Bacus stated that "...None of this information is novel and especially in the case of the print advertisement, comprised only a small portion of the advertisement."

- Mr. Bacus stated that the alleged violations by the Guild went to the design and layout as opposed to the content of the advertisement, and the banner in the Guild IE advertisement could have used all of the same words, if they had been displayed in a different font, typeface, and color.
- Finally, he stated that the Russ Hauge picture that was used in the advertisement by the Guild was the same picture of Mr. Hauge that "appeared in multiple additional sources" including in an article in the Kitsap Sun concerning the Deputy Sheriff's Guild's opposition to Mr. Hauge.

# Guild On-Line Advertisements in the Kitsap Sun:

3.16 Mr. Bacus stated that the Guild's on-line IE advertisement in the Kitsap Sun cost a total of \$1,500. The advertisement included the phrase "Re-Elect Russ Hauge" and was the same design as Mr. Hauge's website. He stated that the advertisement included a picture of Mr. Hauge that had also been taken from his campaign website.

# Guild Newspaper Advertisements in the Kitsap Sun:

- 3.17 Mr. Bacus initially stated that the Guild's print IE advertisement that appeared in the Kitsap Sun on July 26 and 27, 2014, cost \$3,662.50. On May 6, 2015, Mr. Bacus provided copies of invoices, and confirmed that the revised total cost for all advertising, after a \$630 refund, was \$5,752.50. He stated that the newspaper advertisement included the same "Re-elect" banner, picture of Mr. Hauge, and endorsement quote from Congressman Kilmer that appeared on the Hauge campaign website.
- 3.18 Mr. Bacus offered the following mitigating factors on behalf of the Guild concerning this matter:
  - 1) The advertisements clearly indicated that the advertisements were paid for by the Guild.
  - 2) Based on the PDC Independent Expenditure and Electioneering Communications brochures and other materials on the PDC website, "...the Guild's advertisements seemed to satisfy the requirements of an independent expenditure."
  - 3) The Guild had not previously undertaken an independent expenditure, was not familiar with the requirements, and only became aware of the complaint on August 4, 2014, after the IE advertisements had already been published in the Kitsap Sun.
  - 4) "...While the Guild did find the Derek Kilmer quote on Mr. Hauge's website, the statement was made by Mr. Kilmer to the Hauge Campaign..." and as such, the congressman "...should be seen as the owner or source for the quote..."
  - 5) The picture of Mr. Hauge taken from the campaign website appeared in other publications.

# Russell Hauge email response:

- 3.19 On August 5, 2014, Russell Hauge transmitted an email to PDC staff in response to staff's notification of the complaint concerning the Guild's IE advertisement. In his email, Mr. Hauge stated the following:
  - He stated that "[t]here was no coordination" between his campaign and the Kitsap County Deputy Prosecuting Attorney Guild.
  - He stated, "Both the Guild and I understand the fundamental concept that working together would violate the rules."
  - He stated, "All materials, pictures, banners, color theme, and website URL in question are publicly available on my website."
  - Finally, Mr. Hauge stated that he "had no knowledge…" that the Guild would copy his picture and other portions of his campaign website advertising material, and use those in the Guild's IE advertisements. However, he stated that he had no objection to the Guild's use of content from his website.

# IV. Scope

- 4.1 PDC staff reviewed the following documents:
  - The July 29, 2014, complaint filed by Elizabeth Coplan, Kenneth Robinson, and Kathryn Simpson against the Kitsap County Deputy Prosecuting Attorney Guild;
  - A C-6 report filed by the Kitsap County Deputy Prosecuting Attorney Guild;
  - Information on the Russell Hague Campaign website;
  - An August 5, 2014, email from Mr. Hauge to PDC staff, sent in response to staff's notification of the complaint concerning the Guild's IE advertisement;
  - An August 8, 2014, response letter from Chad Enright, then-President of the Guild to the allegations listed in the complaint;
  - A January 5, 2015, letter from Philip Bacus on behalf of the Guild, in response to PDC staff's request for additional information; and
  - A May 6, 2015 email from Mr. Bacus with invoices showing the Guild's IE advertising costs.

# V. Laws and Rules

- 5.1 RCW 42.17A.005(13)(a) defines "Contribution" to include "(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents; [and] (iii) The financing by a person of the dissemination. distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent[.]"
- 5.2 WAC 390-05-210(2) Duplicating political advertising, states, "The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee is a contribution to the candidate or political committee."
- 5.3 RCW 42.17A.405(2) limits the amount of contributions that a person, other than a bona fide political party or a caucus political committee, may make to a candidate for county office, to \$950 per election. WAC 390-05-400 revises the dollar amounts for the contribution limits to reflect changes in economic conditions.

Respectfully submitted this 15<sup>th</sup> day of May, 2015.

Kurt Young

PDC Compliance Officer

# **List of Exhibits**

- July 29, 2014, PDC complaint filed by Elizabeth Coplan, Kenneth Robinson, and Exhibit #1 Kathryn Simpson against the Kitsap County Deputy Prosecuting Attorney Guild (the Guild).
- Exhibit #2 July 25, 2014 C-6 report filed by the Guild.
- Exhibit #3 August 8, 2014 letter from Chad Enright, President of the Guild responding to the allegations listed in the complaint.
- Exhibit #4 January 5, 2015 letter from Philip Bacus on behalf of the Guild, responding to PDC staff's request for additional information concerning the complaint.



# WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION COMPLAINT FORM

(See instructions on the last page.)

Description of Complaint

#### 1. RESPONDENTS:

Identify who you are filing a complaint against and provide all contact information you have for them. Give names and titles, if any, for individuals, and the full name of any organization. Please note that the PDC does not enforce federal campaign finance laws or local ordinances.

<u>Kitsap County Deputy Prosecuting Attorney Guild, Chad Enright, President</u> 614 Division St., MS-35, Port Orchard, WA 98370

Phone: (360) 689-9610

Email: chadenright@yahoo.com

Russell D Hauge, Kitsap County Prosecuting Attorney and the Committee to Re-Elect Russ

Hauge Kitsap County Prosecutor

PO Box 2048, Silverdale, WA 98383

Phone: (360) 710-2688

Email: russhauge@gmail.com

#### 2. ALLEGED VIOLATIONS:

Explain how and when you believe the people/entities you are filing a complaint against violated RCW 42.17/RCW 42.17A or Title 390 WAC. Be as detailed as possible about dates, times, places and acts. If you can, cite which specific laws or rules you believe were violated. Attach additional pages if needed. (Note that the

On July 24, 2014 the Kitsap County Deputy Prosecuting Attorney Guild spent \$6,300 on "newspaper" advertising with the Kitsap Sun. On July 25, 2014 the Guild filed a Form C6 with the PDC claiming that this was for Independent Expenditure Ads in support of Russell Hauge for Kitsap County Prosecutor. However, this expenditure appears to be a campaign contribution to Mr. Hauge under both RCW 42.17A.005(13)(a)(ii) and 42.17A.005(13)(a)(iii) in excess of PDC contribution limits. Please see the attachment for detailed facts supporting this complaint.

#### **Evidence and Witnesses**

#### 3. EVIDENCE:

List the documents or other evidence you have that support your complaint, if any, and attach copies to this form. If you do not have copies, provide any information you have about where you believe the documents or evidence can be found and how to obtain it. Attach additional pages if needed.

Please see the attachment for detailed facts supporting this complaint.

#### 4. WITNESSES:

List the names and contact information, if known, of any witnesses or other persons who have knowledge of facts that support your complaint. Attach additional pages if needed.

<u>Please see the attachment for detailed facts supporting this complaint. Witnesses include the three named Complainants.</u>

# Certification

# in signing this complaint:

- . I have provided all information, documents and other evidence of which I am aware;
- If I become aware of additional information, documents or evidence related to my complaint, I will promptly provide it to the PDC; and,
- I am providing the PDC current information on how to contact me, and will promptly
  update that information if it changes.

#### Complainant #1

Your name: Kathryn Simpson, Officer, Committee to Elect Bruce Danielson

Street address: PO Box 650

City, state and zip code: Port Orchard, WA 98366

Telephone number: (360) 536-5715 E-mail address: VoteDanielson@aol.com

## Complainant #2

Your name: Elizabeth Coplan, Co-Chair, Bob Scales for Kitsap County Prosecuting

Attorney

Street address: PO Box 11745

City, state and zip code: Bainbridge Island, WA 98110

Telephone number: (206) 915-8683

E-mail address: ScalesForProsecutor@gmail.com

THE STATE OF THE STATE OF

# Complainant #3

Your name: Kenneth Robinson, Treasurer, Committee to Elect Tina Robinson

Street address: PO Box 1614
City, state and zip code: Port Orchard, WA 98366
Telephone number: (360) 908-7174
E-mail address: Robinson4PA@gmail.com

Dath
Required for complaints against elected officials or candidates for elective office:
I certify (or declare) under penalty of perjury under the laws of the State of Washington that this complaint is complete, true and correct to the best of my knowledge and belief.*
Complainant #1 Your signature
Date signed 7/28/14
Place signed (city and county)
Bainbridge Island, Kitsap  City County
City
Complainant #2 Your signature Coplan  Date signed 28, 2014
Date signed
Place signed (city and county)
Rainkridge ellard Kitsap City County
City County
Complainant #3 Your signature Kewall Robinson
Date signed July 28, 2014
Place signed (city and county)
Port Orchard Kitsup
City

## Aftachments

√ Check here if you are attaching copies of documentary evidence or extra pages explaining your complaint.

\*RCW 9A.72.040 says that "(1) A person is guilty of false swearing if he makes a false statement which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

# Washington State Public Disclosure Commission Instructions for Filing a Formal Complaint

# When to use the formal complaint form:

While this form is not required, its use is recommended when you want to file formal allegations of a violation of the Public Disclosure Commission (PDC) statutes or rules. You can find the PDC statutes and rules on the PDC website at <a href="https://www.pdc.wa.gov">www.pdc.wa.gov</a>. If you have information or concerns about a possible violation but do not wish to file a complaint, please contact the PDC office directly.

# How to submit your complaint form to the PDC:

- Complete all sections. If you do not have some information, please write "unknown" instead of leaving a blank space.
- Attach copies of any evidence you have we'll contact you if we need originals.
- Sign the oath if your complaint is against an elected official or a candidate for elective office.
- Mail, fax, or email your complaint and all attachments to the PDC.

# lf you have more questions:

If you have more questions about filing a complaint, see the "Frequently Asked Questions about Filing a Complaint" guide available on the PDC's website at <a href="www.pdc.wa.gov">www.pdc.wa.gov</a> under "Enforcement and Compliance." You may also contact the PDC directly.

# **PDC Contact Information**

MAILING ADDRESS: Washington State Public Disclosure Commission

711 Capitol Way, Room 206

PO Box 40908

Olympia, WA 98504-0908

EMAIL ADDRESS: pdc@pdc.wa.gov

# Attachment to the PDC Complaint Against Russell D Hauge, Kitsap County Prosecuting Attorney and the Committee to Re-Elect Russ Hauge Kitsap County Prosecutor and the Kitsap County Deputy Prosecuting Attorney Guild, Chad Enright, President

On July 24, 2014 an online advertisement began to appear on the Kitsap Sun website (see Figure 1 and Figure 2). The ad stated the following "Re-Elect Russ Hauge Kitsap County Prosecutor Democrat." The ad claims that "No candidate authorized this ad" and states that the ad was paid for by The Kitsap Deputy Prosecuting Attorney's Guild (the "Guild"). The ad contains a picture of Mr. Hauge that appears to be identical to the picture from Mr. Hauge's official campaign website (<a href="www.reelectrusshauge.com">www.reelectrusshauge.com</a>) and the coloring, design and lettering for most of the ad appear to have been taken directly from the banner of Mr. Hauge's campaign website (See Figure 3). When you click on the ad paid for by the Guild you are taken directly to Mr. Hauge's campaign website home page (See Figure 3). The online ads paid for by the Guild continue to appear with great frequency on www.kitsapsun.com.

The Guild has placed at least two ¼ page print ads in the Kitsap Sun newspaper on July 26 and 27. (See Figure 4). The print ads paid for by the Guild appear to have an identical banner (language, picture, art work, and color) to the banner used on Mr. Hauge's official campaign website (www.reelectrusshauge.com). In addition, there is a very prominent endorsement quote in the Guild ads from Congressman Derek Kilmer. The language used in the quote appears to be identical to the language that is found in the same quote from Congressman Kilmer on Mr. Hauge's official campaign website. (See Figure 5).

The Kitsap Deputy Prosecuting Attorney's Guild filed a C6 form with the Public Disclosure Commission (PDC) on July 25, 2014. (See Figure 6). The Guild claimed to have spent \$6,300 on "newspaper" with the Kitsap Sun in support of Russell Hauge for Kitsap County Prosecutor. The Guild checked the box claiming that this money would be spent for "Independent Expenditure Ads." The president of the Guild, Chad Enright, signed the form under penalty of perjury. Mr. Enright swore that the expenditure listed in the form "was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17A.005."

The evidence contained in this complaint demonstrates that the advertisements purchased by the Guild as Independent Expenditure Ads are actually replications of campaign materials produced by the Committee to Re-Elect Russ Hauge Kitsap County Prosecutor. In addition, there is evidence that there was cooperation and coordination between the Guild, Mr. Hauge and the Committee to Elect Russ Hauge in the production of the Guild's ads. Therefore, it appears that these expenditures are in violation of campaign finance laws.

There appears to be a close association between the Guild, Mr. Hauge and the Committee to Re-Elect Russ Hauge. All of the members of the Kitsap Deputy Prosecuting Attorney's Guild are Mr. Hauge's employees. A number of Guild members have been active in Mr. Hauge's campaign. (See Figure 7). About 80% of Guild members have endorsed Mr. Hauge (See Figure 8) and about half of the Guild membership have made financial contributions to his campaign (based upon an examination of individual contributions made to the Committee to Re-Elect Russ Hauge on the PDC website and a comparison with the employment roster of the Kitsap County Prosecutor's Office).

The president of the Guild is a Deputy Prosecutor named Chad Enright. Mr. Enright has been involved with Mr. Hauge's campaign. (See Figures 7, 9, 10 and 11). Mr. Enright has also contributed \$250 to Mr. Hauge's campaign (See Figure 12) and endorsed him publicly (See Figure 8). Mr. Enright has been seen attending a number of Mr. Hauge's campaign events including the 23<sup>rd</sup> District Democrats endorsement

meeting where Mr. Enright spoke publicly urging the 23<sup>rd</sup> District to endorse Mr. Hauge, the Bainbridge Island 4<sup>th</sup> of July Parade, the Bremerton Chamber of Commerce Eggs and Issues forum, the League of Women Voters forum and the Silverdale Whaling Days Parade.

Based upon the content of the Guild's political advertisements and the close relationship between Mr. Hauge and the Guild and its President, Chad Enright, it appears that the Kitsap Sun advertisements purchased by the Guild were made in cooperation, consultation, or concert with, or at the request or suggestion of Mr. Hauge or his campaign committee. If true, this would mean that the expenditures must be classified as a contribution to the Committee to Re-Elect Russ Hauge (under RCW 42.17A.005(13)(a)(ii)) and would therefore violate campaign contribution limits of \$950.

The second potential violation of state campaign finance laws comes from RCW 42.17A.005(13)(a)(iii). RCW 42.17A.005(13)(a)(iii) defines a contribution as "the financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent."

The advertisements purchased by the Guild appear to use identical photographs, artwork, language and endorsements to the official campaign materials used by Mr. Hauge and his Committee to Re-Elect Russ Hauge. In addition, the online advertisements purchased by the Guild have a direct link to Mr. Hauge's official campaign website: <a href="www.reelectrusshauge.com">www.reelectrusshauge.com</a>. Therefore, the \$6,300 of advertising purchased by the Guild to support Mr. Hauge's campaign should be classified as a contribution under both RCW 42.17A.005(13)(a)(ii) and RCW 42.17A.005(13)(a)(iii).

It is important to note that the Guild has already contributed the maximum amount allowable to Mr. Hauge's campaign. On June 18, 2014, the Guild contributed \$950 to Mr. Hauge's campaign for the primary election. (See Figure 13). Therefore, any funds spent by the Guild on the advertisement used to promote Mr. Hauge's campaign website should be found to be in excess of the PDC's contribution limits. (See Figure 14).

This apparent unlawful campaign activity has irreparably harmed the campaigns of Mr. Hauge's three challengers in the primary election: Bruce Danielson, Tina Robinson and Bob Scales, all of whom have adhered to the PDC campaign contribution limits. It should be noted that an expenditure of \$6,300 for newspaper advertising is extremely high and will likely have a significant impact on the outcome of the primary election for Kitsap County Prosecuting Attorney. By contrast, the other three campaigns for Kitsap County Prosecuting Attorney have raised a comparable amount of cash donations for their entire campaigns (Bob Scales \$7,120, Tina Robinson \$6,455, Bruce Danielson mini-reporting option).

The campaign committees for Bruce Danielson, Tina Robinson and Bob Scales are urging the PDC to put an immediate end to the apparent unlawful advertising paid for by the Kitsap Prosecuting Attorney's Guild and the apparent unlawful contributions given to Russell Hauge and the Committee to Re-Elect Russ Hauge Kitsap County Prosecutor.

Figure 1 - Screenshot of the Kitsapsun.com website from July 24, 2014



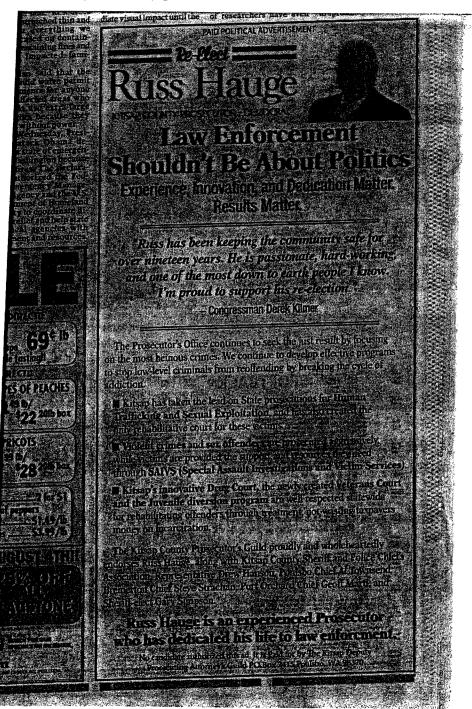
<u>Figure 2</u>—Online advertisement placed in the Kitsapsun.com by the Guild. Clicking on the advertisement will take you directly to <u>www.reelectrusshauge.com</u>



Figure 3 - Home page of Russ Hauge's official campaign website: www.reelectrusshauge.com



Figure 4 - Advertisement in the Kitsap Sun newspaper page 3A from July 26, 2014. An identical ad was placed on July 27, 2014 on page 5A.



HOME ABOUT RUSS ENDORSEMENTS VOLUNTEER BACKGROUND INFO GALLERY CONTACT US

# Russ Hauge

KITSAP COUNTY PROSECUTOR · DEMOCRAT

Russ Hauge (D), Kitsap County's Prosecutor launches campaign with kickoff announcement and key endorsements. See the full press releases



# Re-Elect Russ Hauge Kitsap County Prosecutor Meet And Greet

When: July 28th from 5:30-7:30 pm

Where: Bainbridge Island Sportsmen's Club,8203 Sportsman Club Rd, Bainbridge Isle, WA 98110

Sponsored by The Sheriff and Police Chiefs Association of Kitsap County.

This event is open to everyone.

Contact Russ at <u>prosruss14@gmail.com</u> or see me on facebook @ Russ Hauge!
Committee to Re-Elect Russ Hauge Kicsap County Prosecutor
PO Box 2408 • Silverdale, WA 98383
360-710-2688• www.reelectrusshauge.com





# **DONATIONS**

RECENT POSTS

Kitsap County Democrats Choose Russ for Prosecutor

26th Democratic LD Ebpard recommends Russ's endorsement to membership

2014 Prosecutor's Annual Report Available Now

Russ is Preferred Candidate by 81% Kitsap County Bar Association Members

Russ Hauge Addresses the Washington State Supreme Court Symposium- "Looking to the Future: Adolescent Brain Development and the Juvenile Justice System."

VISIT ME ON FACEBOOK



Figure 6 – C6 Form filed by the Kitsap County Deputy Prosecuting Attorney Guild on July 25, 2014

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		PO BOX 40806 OLYMPIA YA 98504-0908 (980) 755-1311 TOLL PREE 1-877-691-2928				C6	7/25	/2014
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- 4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:
- a) \_\_An individual using only personal funds.
- b) \_\_An individual using personal funds and/or funds received from others.
- c) 🗶 A business, union, group, association, organization, or other person using only general treasury funds.
- d) \_ A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.
- e) \_\_A political committee filling G-3 and C-4 reports. (RCW 42.17A.205 .240)
- f) \_\_A political committee filing C-5 reports. (RCW 42.17A.250)
- g) \_\_\_Oth

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

5. Sources giving in excess of \$250 for the electioneering communication;

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\*RCW 9A.72.040 provides that \*(1) A person is quilty of false swearing if he m statement, which he knows to be false, under an eath required or authorized b

07/25/14

<u>Figure 7</u> – Banner picture from Russ Hauge's Facebook page on July 24, 2014. The picture includes employees of the Prosecutor's Office including Guild members and Guild President Chad Enright. https://www.facebook.com/russ.hauge?fref=ts



Figure 8 - Screenshot of www.reelectrusshauge.com showing endorsements from about 50 employees of the Kitsap County Prosecutor's Office including about 20 Guild members (including Guild President, Chad Enright). The Kitsap County Deputy Prosecutor's Guild is also listed as an organizational endorser.

HOME

ABOUT RUSS

ENDORSEMENTS VOLUNTEER

**EACKGROUND INFO** 

GALLERY

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# Re-Elect

KITSAP COUNTY PROSECUTOR · DEMOCRAT



#### **Endorsements**

#### Current and Former Elected Officials:

- · Governor lay Insies
- Bob Ferguson, Washington State Attorney General
- Bobbe Bridge, Former V/A State Supreme Court lustice
- Brian Sonntag, Former Washington State Auditor
- . Congressman Derek Kilmer, 6th CD
- · Former Congressmen Norm Dicks, (ret.)
- Sherry Appleton, 23rd LD Representative
- Larry Seaguist, 26th LD Representative
- Draw Hansen, 23rd LD Representative
- Dave Peterson, Kitsap County Clerk
- Steve Boyer, Kitsap County Sheriff · Greg Wheeler, Bremerton City Council
- Member
- · Leslie Daugs, Bremerton City Council Mem-
- . Dwight Sutton, Former Bainbridge Island
- · Debbie Vancil, Former Bainbridge Island City Council & Planning Commissioner
- · Carol Arends, Former Bremerton City Council Membar
- . Josh Brown, Former Kitzap County Commis-
- · Geoff Marti, Port Orchard Police Chief
- Al Townsend, Poulsbo Police Chief
- · Steve Strachan, Bremerton Police Chief
- Undersheriff Gary Simpson, Shariff Candidate
- Dennis Bonneville, Kitsap County Undersheriff, (ret.)
- Mary Bryant, 23rd LD Democratic Chair
- · Carl Olson, 26th LD Democratic Chair
- Fran Moyer, 35th LD Democratic Chair
- . Jo Fox Burr, KC Democratic Women, Pres.

#### individuals:

- Kevin and Wendy Kelly
- · Robert and Peggy Kermath
- Shelley Kneip
- . Mark Koontz
- Lael Krug
- David LaCross
- Jenlece LaCross
- Candace Ladley
- Cami Lewis
- Michael Liebert
- Angela Lindsay
- Margee Lynch
- Doug MacKenzie
- Dee Marie
- Marsha Masters
- Carol Maves
- Natalie Mays
- Virginia McKinney
- Lynda McMaken
- Joyce Merkel
- · Charles and Carol Michel
- Alan Miles
- Brian Moran
- John Morgan
- · Jeremy Morris
- Tom Morris
- Leslie Morrison
- John Muenster
- Jacob Murphy
- Leslie Myette Carolyn Neal
- Ran Ness
- Lisa Nickel
- . Drs. Michael and Diane O'Leary
- Steve Olsen
- Bobbette Olson
- Carol Opalinski

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# **DONATIONS**

Write AN ENDORSEMENT Write your endorsement for Russ in the field below.
Your Name
Email *
Phone *
Include a confirmation phone muniter with the enticrement.
Endorsement *
With your environment in this Sett
Write your embasement in this Deld.
. Send

#### RECENT POSTS

Kitsap County Democrats Choose Russ for Prosecutor

26th Democratic LD Eboard rec-

10

#### Organizations:

- Kitsap County Sheriff and Police Chiefs' Association
- Kitsap County Deputy Prosecutors' Guild
- A Kitsap County Democratic Women
- 23rd Legislative District Democrats (Approval)
- · Xitsap County Democratic Central Commit-
- **★ 26th Lagislative District Democrats**
- 35th Legislative District Democrats

#### Individuals:

- lim Adrian
- Deluñs Allen
- Terry Allison
- Tom Alpaugh
- . Dennis and Connie Anderson
- Kevin Anderson
- · Paul Andrews
- Jack Arends
- Anna Aruiza
- Jacquelyn and Paul Aufderheide
- Holly Banks
- Remo Barr
- Rob and Cris Beattle
- · Jeffrey A. Beaver
- Steve Bennett
- Leif Bentsen • Brenna Berquam
- Marti Blair
- Richard and Debbie Boe
- · David Boerner, Professor
- Tomi Bonneville
- Irene Bowling
- Marilyn Boyton
- Kent Bratt
- Jeange Renee Brown
- Sharon and Terry Brown
- Harriette Bryant
- Natalie Bryson
- Sandy and Gene Bullock
- Sheri Burdue • Larry Burn
- Jerome and Mary Carbone
- Gary Chrey • lim Civilla
- Roger and Libby Correll
- · John Cross
- Joanne Cruz
- Paul Cuilen
- · Gary and Marilyn Cunningham
- Susan Daniel

- Anthony Otto
- John and Elena Padmos
- Nicole Padmos
- Kelly and Scott Pelland
- Kellie Pendras
- ▼ Dave Peterson
- \* Sharon Deterson
- Debbie Phares
- Ran Powers
- Mark Randolf \* James Reese III
- · Samara Ressler
- Gerry Ring-Erikson
- Bishop Lawrence, Sr. and Or. Lillian Robert-รอถ
- james Ryan
  - Jonathan Salamas
- \* Coreen Schneof
- Kathleen Schultz
- Chris Endresen Scott
- Matt Segal!
- Wayne Senter
- # Heather Serrano
- Barbara and David Shoaf
- Betty Skinner
- Sybil Soderberg
- · Ginger and Jim Sommerhauser
- Alison Sonntag
- Art Speight
- Randall Sutton
- Karyn Szymanski
- Farshad Talebi
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- Ronald Templeton
- \* Carinne Thampson . Linda Thomson
- Marcia and Randy Trott
- . Ban Turner
- Darrel Uptegraft, Jr.
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- Bob Vermeers
- Neil Wachter
- Gordon Walgren
- Greg and Shirley Wall Sunny Wheeler
- Dan and Susan Whitford
- Jacquelyn Williams
- Michelle Willoughby
- Mark Yelish
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ommends Kuss's endorsement to membership

2014 Prosecutor's Annual Report Available Now

Russ is Preferred Candidate by 81% Kitsap County Bar Association Members

Russ Hauge Addresses the Washington State Supreme Court Symposium- "Looking to the Future: Adolescent Brain Development and the Juvenile Justice System."

#### VISIT ME ON FACEBOOK

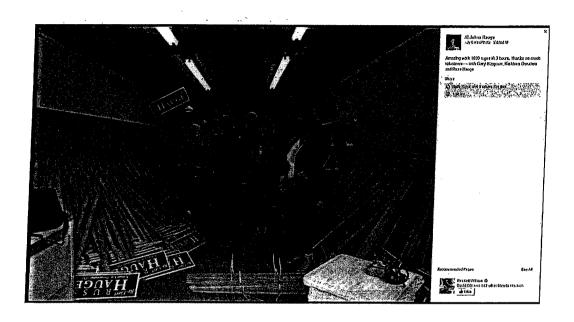


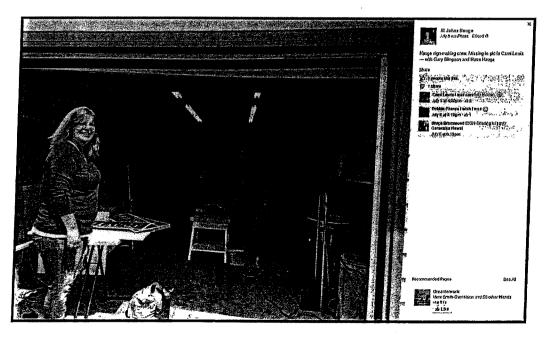
- Kevin Cure
- Susan Daniel
- Robert Davy
- Barbara Dennis
- Dale and Tracy DiGiovanni
- Ed and Susan
- Tom and Mary Ellen Donnelly
- Todd Dowell
- Emily and Jesse Drake
- Tim Drury
- Chad Enright
- Judi Enright
- Breanna Eshghi
- Lynn-K. Fleischbein
- Ronald and Faye Hemister
- Shawn Fletcher
- Eric Fong
- Alexis and Jason Foster
- Giovanna and Steve Franklin
- Julie Gaffney
- Ione George
- Allen and Gail Gilbertson
- Ron Gillespie
- Dolores Gilmore
- # Stan Glisson
- Steven Green
- Kevin and Gail Gross
- · Tracey Hamilton
- Mary Hancock
- Maritee Hansen
- Amanda Harvey
- Duane and Lois Hauge
- Melissa Hemstreet
   Bilf Hoke
- Linda Loveren Houlton
- Kevin Howell
- Greg Hubbard
- Laurie Hughes
- Emily Jarchow
- Dana Johnson
- Gary and Mary Johnson
   Martha and Bert Johnson
- Rebecca jolliff
- Skip and Doris Junis
- Bill Kamps
- Diane Kelly

Prosecutor Hauge is also the proud recipient of The Kitsap County Bar Association's Professionalism Award!

Russ has received The Martindale-Hubbell® AV® Preeminent™ rating for several years. He is rated by his peers as a preeminent attorney and adhering to the highest ethical standards and legal ability in his field of law.

Figures 9 and 10 - Screenshots of the Facebook page of Jil Jahns Hauge (<a href="https://www.facebook.com/jil.hauge">https://www.facebook.com/jil.hauge</a>). According to their C-1 report, Ms. Hauge is co-chair of the Committee to Re-Elect Russ Hauge. The Guild President, Chad Enright, is in both pictures assisting Mr. Hauge with his political signs.





<u>Figure 11</u> - Screenshot of the Facebook page of Jil Jahns Hauge (https://www.facebook.com/jil.hauge) who is co-chair of the Committee to Re-Elect Russ Hauge. This is a picture of Silverdale Whaling Days on July 26, 2004. Chad Enright is in the picture.

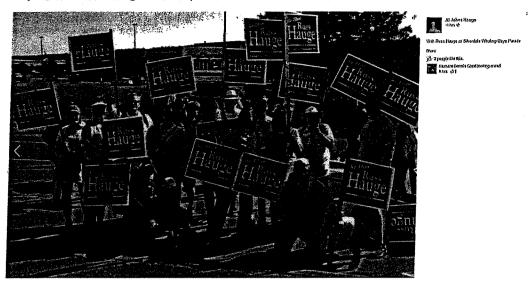
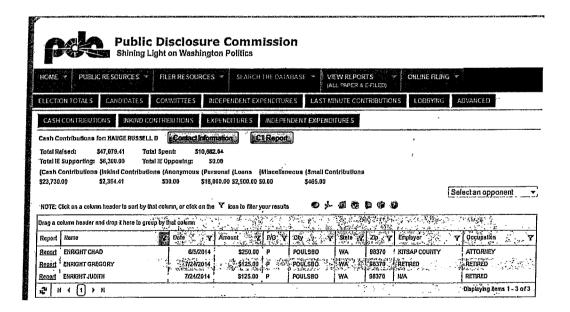


Figure 12 - Screenshot of \$250 cash contribution from Chad Enright to Russell D Hauge.



<u>Figure 13</u> – Screenshot of cash contributions for Russell D Hauge showing a \$950 contribution from the Kitsap County Prosecutors Guild.

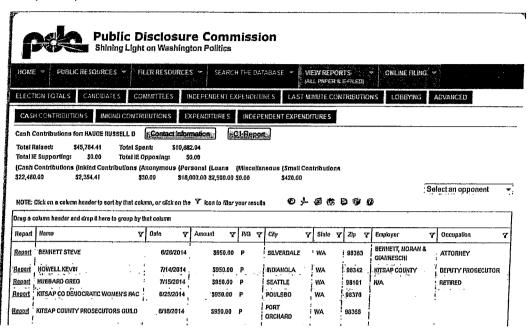


Figure 14 - PDC Contribution Limits



RECIPIE

## **CONTRIBUTION LIMITS**

2014

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		State Party	County and LD Party Committees (Jointly)	Caucus Political Committee	Candidala Committees		ions, Corps er entities	Individuals		
	State Party	Not Applicable	No Limit	No Limit	Only from Surplus Funds No Limit	\$5,000 per calendar year (non-exempt)	No Limit (exempt)	No Limit		
	Gounty or LD Party Committee	No Limit	No Limit	No Limit	Only from Surplus Funds No Limit	\$5,000 per calendar year (non-exempt)	No Limit (exempt)	No Limit		
NTS	Caucus Political Committee	No Limit	No Limit	No Limit	Only from Surplus Funds No Limit	\$950	3 per ar year	No Lîmit		
	State Executive Candidate	\$0.95 per Reg. Voter per cycle	SD.50 per Reg. Voter per cycle	\$0.95 per Reg. Voler per cycle	Prohibited	\$1,900 per election		\$1,900 per election		
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	Judicial Candidate	\$1,900 per election	\$1,900 per election	\$1,900 per election	Prohibited	\$1,5 per ele		\$1,900 per election		
ł	LOCAL OFFICES: Gounty Office Mayor City Gouncil School Board	\$0.95 per Reg. Voter per cycle	\$0:50 per Reg. Voter per cycle	\$0.95 per Reg. Voler per cycle	Probabled	\$950 per election \$950 per election \$1,900 per election		\$950 per election		
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	Port of Seatile and Port of Tacoma Commissioner Candidales	\$0.95 per Reg. Voler per cycle		\$0.95 par Reg. Voter per cycle	Prohibited			\$1,900 per election		
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# KITSAP COUNTY DEPUTY PROSECUTING ATTORNEY GUILD

614 Division St., MS-35 Port Orchard, WA. 98366

August 8, 2014

To the Public Disclosure Commission,

The Kitsap County Deputy Prosecuting Attorney Guild (the Guild) represents 27 criminal and child support deputy prosecuting attorneys working for Kitsap County. We received a complaint from the Public Disclosure Commission (PDC) on November 4, 2014. The complainants consisted of representatives of three political campaigns in the race for Kitsap County Prosecutor.

The complaint appears to make two general allegations. First, it alleges that a series of advertisements paid for and prepared by the Guild were done with cooperation and coordination between the Guild and the Committee to Elect Russ Hauge. Second, the complaint alleges that the series of advertisements replicates official campaign materials.

The complaint does not allege that any reader was deceived or that the sponsorship of the advertisement was confusing to a reasonable and rational reader. The complaint alleges "irreparable harm" but fails to address the nature of that harm given the lack of deception. We hope this will address each of the complaints and well as the alleged injury.

### BACKGROUND

On July 21, 2014, the Guild voted to spend funds on political advertising following remarks by a candidate for Kitsap County Prosecutor in which he outlined a plan to demote many of our members upon his election. The job of preparing the advertisement and coordinating with newspapers was assigned to Guild Vice President Farshad Talebi. This was similar to advertising that we have prepared in past elections, without complaint.

Prior to preparing the advertising, we referred to RCW chapter 42.17A. We also referred to the political advertising brochure found on the PDC website. Mr. Talebi designed the text of the advertisement and contacted the Kitsap Sun and other local papers about advertising rates. Both Mr. Talebi and I spoke with a representative of the Kitsap Sun advertising department and agreed to an advertising package. The graphic design of the advertisement was prepared by the Kitsap Sun advertising department. I approved the advertising, authorized payment for the advertising and prepared the C-6 declaration.

### COOPERATION AND COORDINATION

Both Mr. Talebi and I were aware of the prohibition against coordinating with political campaigns in preparing our advertisement. As such, Mr. Hauge's campaign was not advised, consulted or even notified that the Guild had purchased an advertisement. Mr. Hauge could not have become aware of the advertising until after it had been published.

The complaint that was filed "assumes" collaboration on political advertising due to volunteer work done for Mr. Hauge's campaign. Not surprisingly, many of our members have volunteered

for Mr. Hauge's campaign and endorsed him. We enjoy working in his office and hope he is reelected.

I have personally attended most candidate forums and have kept members up to date on what has occurred at those forums. The commission should appreciate why our members have an interest in knowing the positions of candidates who are seeking to become their new boss.

Complainants essentially concede their lack of evidence when they write that "it appears that the Kitsap Sun advertisements purchased by the Guild were made in cooperation, consultation, or concert with, or at the request or suggestion of Mr. Hauge." Complainants concede they have filed this complaint without actual evidence and only and appearance of a violation.

Volunteer work does not equate to corroboration or collaboration on advertising. This complaint is based upon suspicion, supposition and assumption rather than actual evidence. We will be happy to provide a more detailed response to that complaint if the commission believes it necessary. Mr. Talebi has retained his notes and drafts and they can be provided upon request.

#### REPLICATION OF CAMPAIGN MATERIALS

Complainants have alleged our advertisement was a duplication of campaign advertising. We disagree with many of the arguments presented by the complainants. However, we would concede that the graphic use of the phrase "Re-Elect Russ Hauge" should not have been used in our advertisement. But, despite that error, no reader was deceived into believing that this advertisement was paid for by the Hauge campaign. The advertisement clearly identified the sponsor and claimants failed to provide a reasoned argument for how they were injured and merely provide a conclusory statement that they were "irreparably harmed." Such a statement is merely hyperbole and invites the PDC to imply an injury occurred when complainants are unable to articulate an injury on their own.

#### Website Link.

Complainant refers to the link from our advertisement to the official campaign website and presumably is arguing that the website became a part of our advertisement.

The website was not a part of our advertisement. The advertisement merely re-directs readers to the website. This re-direction is no different from stating "if you want to know more about Russ Hauge, please go to his website." We are unaware of any authority that prohibits this type of redirection.

#### Photograph

We chose to add a photograph of Mr. Hauge to our advertisement. We were prohibited from collaborating with the Hauge campaign, so we declined to ask Mr. Hauge for a usable photograph. We also felt that asking Mr. Hauge to pose for a picture would also meet the definition of collaboration, so we declined to proceed in that manner as well. With those concerns in mind we asked the Kitsap Sun to take the photograph from the campaign's public website.

The photograph contains no content and sends no message. It is merely a photograph of Mr. Hauge that identifies him as the candidate. This photograph is publicly available to anyone. At best, we stole the intellectual property of Mr. Hauge. He is free to take any appropriate action against the Guild.

#### Congressman Derek Kilmer Quote

Our advertisement used a quote from Congressman Derek Kilmer that was also used by Mr. Hauge's website. The Kilmer quote is not the property of the Hauge campaign and we are unaware of any prohibition against using the same public quote from a public official. It is a known public statement by a known public person.

#### Endorsements

We publicized some of the same endorsements for Mr. Hauge that he uses on his campaign materials. Again, these are public, they are known, and there is nothing to support to proposition that we are prohibited from publishing Mr. Hauge's endorsements.

#### Graphic

Our advertisement used a graphic that read "Re-Elect Russ Hauge." This graphic was taken off of Mr. Hauge's public website by the Kitsap Sun at our direction. This graphic was publically available to the Kitsap Sun and did not require any collaboration from the Hauge campaign to acquire. It can be copied and pasted from his website.



While the phrase "Re-Elect Russ Hauge" likely fails to meet the definition of "political advertising," the graphic form of the statement was clearly taken from a website that could meet the catch all definition of "means of mass communication" within the political advertising definition. As such, complainants likely intended to argue that it was a "portion" of a political advertisement. The graphic "Re-Elect Russ Hauge" should not have been used.

#### MITIGATION

While we concede that the graphic use of "Re-Elect Russ Hauge" was inappropriately used, we believe there are several mitigating factors that affect whether this is a material violation:

#### Prominent Statement Attributing Sponsorship

Each advertisement prominently declared that the advertisement was paid for by the Guild and not the Hauge campaign. This was most prominent on the on-line advertisement where nearly 20% of the advertising space was dedicated to the "paid for" declaration. Even the complainants would likely concede that no reader would reasonably believe it was paid for by the Hauge campaign.

#### Content of the Advertisement

The content of the advertisement was prepared by Mr. Talebi and was not comparable to any content used in Mr. Hauge's campaign materials. The content discusses multiple programs spearheaded by Mr. Hauge and a headline or slogan that is not used by the Hauge campaign.

### Nature of the Advertisement

The commission should consider the nature of the advertisement. It was an advertisement in support of one candidate while not attempting to portray another candidate negatively. No

opponents are mentioned or besmirched. Further, there is no allegation that the advertisement included incorrect or misleading information.

Prompt Changes to the Advertising

Unfortunately, the PDC was unable to provide us a copy of the complaint until August 4<sup>th</sup>. We were however, informed by the PDC via e-mail on July 31, 2014 that a complaint had been filed. Without the formal complaint in hand, we speculated on potential errors based upon the suggested RCW and WACs provided to us by the PDC. With that information in mind, we asked the Kitsap Sun to adjust the "Re-Elect Russ Hauge" graphic so it would not match the graphic used in his campaign website in an advertisement that was to run on August 3<sup>rd</sup>.

Unfortunately, we were prevented from making more detailed corrections because the full complaint had not been received until after the advertisement had ceased running.

Intent of the Complainants

It is particularly important to note that the complainants provided no opportunity for further mitigation to occur. The complaint appears to have been provided to the PDC on July 29, 2014. The Guild did not receive a copy of the complaint until August 4, 2014. A copy of the formal complaint was provided to the Kitsap Sun news department several days prior to the Guild receiving our copy and prior to the Guild receiving any notice of the complaint from the PDC. A story was published by reporter Andy Binion on July 31, 2014 concerning the complaint. We are left to speculate on how the news department received the complaint prior to the Guild receiving it.

Complainants argue they were "irreparably harmed." However, they took no action to notify the Guild or advise us of specific changes they felt should be made. Instead, it appears someone desired to publicize the advertisement and draw additional attention to it. This appears counter to their position that they were "irreparably harmed."

We are grateful to candidate Tina Robinson who politely informed us that a complaint had been filed and the general nature of the complaint. However, her staff and co-complainants did not provide us with the complaint and specific objections in order to allow prompt correction. Correction of the error does not appear to have been an issue the complainants were concerned about.

Inclusion of the Complaint Against the Committee to Elect Russ Hauge

There does not appear to have been a factual basis for filing the same complaint against Mr. Hauge or his campaign. That complaint appears to be baseless and frivolous. There was no involvement by the Hauge's campaign in preparing the advertisement, yet complainants proceeded with filing a complaint against his campaign that even they would have to concede was based on assumption rather than evidence.

Without a factual basis for filing a complaint against the Hauge campaign, we can only presume the complaint was designed for publicity purposes. This emboldens our belief that complainants' claim of "irreparable harm" is simply hyperbole.

We encourage the PDC to promptly dispose of the complaint against Mr. Hauge without further action and consider the motivation for that complaint in evaluating the complaint against the Guild.

#### Lack of Injury

Complainants provide a conclusory statement in which they claim to have been "irreparably harmed." However, complainants have inexplicably failed to provide any argument describing how they were injured. Any injury complainants suffered would be based upon the presumption that readers were fooled into believing this advertisement was paid for by the Hauge campaign. Not surprisingly, the complainants fail to make such an allegation. Certainly, complainants would agree that any reasonable reader would conclude that this advertisement was paid for by the Guild.

The PDC should not presume injury when complainants have failed to rationally allege they were injured. It is not the function of the PDC to do the complainant's thinking for them. Complainants have failed to provide a reasoned argument for how they were injured, presumably because, after a diligent search, it could not find one.

## **CONCLUSION**

Publishing the graphic "Re-Elect Russ Hauge" using a different graphic design would have been a safer design and would have prevented implications that Mr. Hauge was involved or collaborated in the design. Therefore, we concede that this may have been a violation. But the sponsorship of the advertisement was prominently displayed and there is no allegation that any reader was deceived.

Future advertising will not use the graphic "Re-Elect Russ Hauge" as used on his website or any other campaign material. Additionally, we invite the commission to provide us with insight on how we can correct the error and prevent future mistakes. We do not believe this is a material violation due to the lack of injury. We do not believe readers were deceived about the sponsor of the advertising. However, we do not intend to appeal any reasonable findings or penalties if the commission deems them necessary.

We are happy to supplement this response with any additional information the commission may require.

Best Wishes,

Chad M. Enright

Kitsap County Deputy Prosecuting Attorney Guild

PUBLIC DISCLOSURE COMMISSION
711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98804-0908
(360) 753-1111
TOLL FREE 1-877-801-2828

Form 5108 **C6**1/12

7/25/2014

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PORT OR	CHARD, WA	98370					1 -	 39–9610
2. Itemi:	ze expenditure	es of more than \$100 associated	I with the Ind	epandent ext	enditure or ele	rtioneering	_	
Date Made	Date First Presented/ Name and Address of			Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)			Amount or Value	
07/24/14	07/24/14	KITSAP SUN 545 5TH ST BREMERTON, WA 9833		NEWSPAPER				6, 300 . 0
			Ехре	enditures \$100	or less not item		\$	0.00
*If no reasone property or rig distributed.	able estimate c ght furnished p	Amount or Value an be made of value, describe act recisely and attach copy of item pr	tivity, services oduced or	during this amounts st	I otal pendent expenditu ing communicatic election campaign nown in this repore submitted C-6 rep	res and ns made n. Include	\$ \$	6,300.00
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Continued on attached sheet  $\square$ 

#### Filer Name:

- 4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:
- a) \_\_ An individual using only personal funds.
- b) \_\_\_ An individual using personal funds and/or funds received from others.
- c) x A business, union, group, association, organization, or other person using only general treasury funds.
- d) \_\_ A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.
- e) \_\_ A political committee filing C-3 and C-4 reports. (RCW 42.17A.205 .240)
- f) \_\_\_ A political committee filing C-5 reports. (RCW 42.17A.250)
- g) \_\_ Other

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

#### 5. Sources giving in excess of \$250 for the electioneering communication:

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount	
			\$	
		Occupation		
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		Sub-Total	\$ 0.0	
	Continued on attached sheet □	Amount from attached pages	\$ 0.0	
		TOTAL FUNDS RECEIVED	\$ 0.0	

	de deservición de la companya de la	A		
i certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not	dependent Expenditure or Electioneering Signature .	Printed Name CHAD ENRIGHT		
made in cooperation, consultation, or concert with, or at the request or	Street address PO BOX 2415			
suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a	City/State/Zip POULSBO	WA 98370		
contribution under RCW 42.17A.005. I further certify that the above information is	Date Signed <b>07/25/14</b>	Place Signed (city and county)  PORT ORCHARD WA		
true, complete, and correct to the best of my knowledge.	"RCW 9A.72.040 provides that "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."			

JAN = 5 2015

#### KITSAP COUNTY DEPUTY PROSECUTING ATTORNEY GUILD Public Disclosure Commission 614 Division Street, MS-35

Port Orchard, WA. 96366

December 31, 2014

RE: PB: Case NO. 15-042

To the Public Disclosure Commission.

The Kitsap County Deputy Prosecuting Attorney Guild (The Guild) is in receipt of your December 5, 2014 letter. While the Guild recognizes that using the same banner as used on Mr. Hauge's website could be considered a technical violation such alleged violation would not be material. The Guild maintains that the use of Mr. Hauge's campaign photo and the quote from Derrick Kilmer was not a violation, technical or otherwise. However, even if the use of those materials constituted a technical violation any violations were not material. In short, the Guild maintains that it substantially complied with all elections laws. Moreover, the Guild in no way worked with or had any contact with the Hauge campaign regarding the Guild's advertisements. With this letter the Guild will attempt to answer your additional questions.

#### PERCENTAGE OF AD USING MATERIAL FROM HAUGE WEBSITE

Your letter requests that the Guild quantify the percentage of its advertisements taken from the official Hauge website. This is a difficult question to answer because the content taken from the website was not novel to the website. For instance, the Guild copied the banner from the website for its print advertisement. However, all of the words contained within that banner (Re-elect, Russ Hauge, Kitsap County Prosecutor and Democrat) appeared on the Hauge website and could clearly be contained within the Guild's advertisements. As such, the issue boils down to the fact that the Guild presented that information in the same format (color, typeface) as the Hauge website. The other issue with the Guild's advertisement is that it used a picture of Mr. Hauge from his official campaign website. This picture appeared on other resources besides the campaign website. The Guild believed that it would be better to, of its own initiative, take a picture from the public domain (the internet) rather than to contact the Hauge campaign or the Prosecutor's Office to obtain a picture that was as recent as required by election laws.

The Guild now understands that rather than looking at the entirety of an advertisement and whether it was copied from a Campaign the Commission analyzes each word, phrase or picture used in an advertisement to identify potential violations. Under this application of the election laws the Guild would roughly estimate that approximately 20 to 25% of the advertisement space was comprised of materials taken from the Official Hauge website. However, this estimate ignores that fact that, especially with respect to the print advertisement, the percentage of the advertisements original to the Guild were the most substantive and persuasive portions of the advertisements.

On-Line Advertisement: The on-line advertisement cost \$1,500.00. In the on-line advertisement the term "Re-Elect" was laid out in the same fashion as Mr. Hauge's website. The picture of Mr. Hauge was also taken from his campaign website. Mr. Hauge's name and party affiliation was laid out differently than on Mr. Hauge's campaign website. A large portion of the advertisement was devoted to the indication that it was a paid political advertisement and for indicating the advertisement was paid for by the Guild.

Print Advertisement: The print advertisements published in the Kitsap Sun on July 26th and 27th 2014 cost \$3,662.50. The print advertisement included the same banner, including picture, as found on Mr. Hauge's website. Also on Mr. Hauge's website was the endorsement quote from Congressman Derek Kilmer. Towards the bottom of the advertisement there was a list of endorsements. Those endorsements

were also on Mr. Hauge's campaign website. However, as the list was comprised of local law enforcement officials the names were already well known by the Guild as official endorsements. All remaining materials, which comprised the most substantive portion of the ad, were original to the Guild.

## GUILD SUBSTANTIALLY COMPLIED WITH AND COMMITTED NO MATERIAL VIOLATIONS OF ELECTION LAWS.

While the Guild recognizes that there may have been technical violations of the applicable laws and regulations the Guild maintains that it substantially complied with those regulations and committed no material violations. The policies surrounding the applicable laws and regulations are set forth in several places. However, the clear intent expressed throughout those laws is that the public be fully, fairly and truly informed about the source of electioneering materials. See RCW 42.17A.001, 42.17A.300. In this case, while the Guild did copy some of its materials from Mr. Hauge's campaign website, the Guild's advertisements made it abundantly clear to the voters that the Guild was responsible for the advertisements. Moreover, the Guild disclosed the advertisements to the Commission in a timely manner. As such, the Guild's advertisements satisfied the stated purposes and policies behind the laws which are being applied to the advertisements.

The Guild substantially complied with the all applicable laws and regulations. The Guild now understands that the interpretation of these regulations by the Commission allows for no materials to be taken from an official campaign website. In this case the Guild used a picture and a banner from the campaign website. None of this information is novel and, especially in the case of the print advertisement, comprised only a small portion of the advertisement. In addition, had the Guild known of this requirement it could easily have changed the banner and the picture. It should also be noted that the same picture of Mr. Hauge appeared in multiple additional sources. Moreover, it appears that the practice of using official campaign pictures by independent endorsers was not unique to this race. Most importantly, the Guild's advertisements clearly complied with the stated intent and purpose of the applicable regulations. The advertisements kept the public fully and fairly informed that the Guild, and not the Hauge campaign, was responsible for the advertisements.

Given the stated purposes of the applicable laws and regulations any violations were not material. Blacks Law Dictionary, 6<sup>th</sup> Ed. 1990 defines material as:

Important; more or less necessary; having influence or effect; going to the merits; having to do with matter, as distinguished from form. Representation relating to matter which is so substantial and important as to influence party to whom made is 'material'.

In this case, any violations went to form (i.e. Guild could have used all of the same words in its banner but only used a different typeface and text color) as apposed to "having to do with the matter." In addition, the alleged violations were not so "substantial and important" that they influenced any voters. With the stated purposes of the regulations being focused on full and fair disclosure the question of

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<sup>&</sup>lt;sup>1</sup> Mr. Hauge's campaign picture was also used by (1) A Bruce Danielson endorsement that appeared on three separate websites and that PRE-DATED the Guilds Advertisement; (2) A Kitsap Sun in a story about the Deputy Sheriff's Guild's Opposition to Russ Hauge; (3) In the Kitsap Sun Election Guide; (4) the Kitsap County Democrat's Sample Ballot as well as other sources. See Ex. A.

<sup>&</sup>lt;sup>2</sup> The Pierce County Republican Party endorsed Jeanette Lineberry for Pierce County District Court and Marty McClendon for Congress using their official campaign pictures. See Ex. B. Giving the lack of political ads or campaign websites available on line currently researching the use of campaign photos by independent sources was limited.

materiality should center on whether the alleged violations impacted the advertisements compliance with the purpose of the applicable regulations. In this case, the advertisements clearly and unequivocally indicated that they were paid for by the Guild and that no candidate authorized the advertisement. In short, the advertisements kept the public fully, fairly and truly informed about the source of electioneering material. See RCW 42.17A.001, 42.17A.300.

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#### MITIGATIVE CONSIDERATIONS

The Guild further maintains that several mitigative considerations are important in this case.

JAN -5 2015

- 1) Compliance History: The Guild had only once previously taken out a political advertisement. No issues were raised regarding those advertisements.
- 2) Impact on the Public: The alleged violations had no impact on the public. The advertisements clearly indicated that no candidate authorized the advertisement and clearly indicated that the Guild had paid for the advertisement.
- 3) Sophistication of Respondent: The Guild Members taking out the advertisement did not have any substantial experience in creating political advertisements and were not previously familiar with the requirements for those advertisements. However, as discussed below, they used due diligence in researching those requirements.
- 4) The Guild's financial activity during the election period was limited to those discussed in this case.
- 5) The Guild made good faith efforts to comply. Shortly before the Guild sought to have the advertisements published Former Guild Vice-President Talebi attempted to contact the Commission in order to discuss our advertisement. However, Mr. Talebi was advised that his request was made too close to the election and that the Commission could not provide any assistance at the time. While the Guild should have contacted the Commission at an earlier date, the Guild did in good faith, attempt to make that communication. The Guild also reviewed RCW 42.17A and the Political Advertising Brochures available on the Commissions Website.
- 6) Based upon brochures and materials published on the Commissions website the Guild's advertisements seemed to satisfy the requirements for an independent expenditure. The flyer "Independent Expenditure Ads and Electioneering Communications" includes a list of five requirements for an ad to constitute an independent expenditure. The Guild's advertisements appear to meet all of these requirements. The flyer entitled Political Advertising Guide includes lists of illegal advertisements. That list does not appear to include any of the alleged violations in this case.
- 7) As discussed previously the Picture of Mr. Hauge appeared in other areas. In addition, the picture was basically a stock looking photograph as opposed to a picture in front of a flag, or in front of legal books or at a campaign rally.
- 8) Derek Kilmer Quote. While the Guild did find the Derek Kilmer quote on Mr. Hauge's website the statement was made by Mr. Kilmer to the Hauge campaign. Mr. Kilmer, as the speaker, should be seen as the owner or source for the quote. It was not something created or produced by the Hauge Campaign. Rather it was a statement made by Mr. Kilmer that was

set forth on the Hauge campaign website.

9) The Guild attempted to take corrective action. As discussed in the Guild's letter of August 8, 2014, the Guild was first advised of this Complaint on July 31, 2014. At that time the Guild was not informed about any potential violations. The Guild used its best efforts to review the advertisement and re-consider whether anything should have been done differently. Based upon that review the Guild changed the "Re-Elect" Russ Hauge banner for a print advertisement that was scheduled to run in the Kitsap Sun on August 3<sup>rd</sup>. The Guild did not receive a copy of the complaint, or learn the nature of the violations, until August 4<sup>th</sup>, after all advertisements had ceased running.

#### CONCLUSION

At this point the Guild recognizes that it should have taken out its advertisements in a different manner and it will do so in the future. However, the Guild used its best efforts to comply with election laws and to take corrective action when it was advised of an alleged violation of those laws. In addition, even as the advertisements were originally printed, the advertisements did not violate any of the goals or principles upon which those laws are based. The advertisements clearly informed the public that they were paid for by the Guild and that the Hauge Campaign was not involved with the advertisement. In short, the Guild maintains that it substantially complied with the elections laws and that any violations were not material.

The Guild appreciates the cooperation of the PDC staff in explaining the PDC position with respect to the applicable laws and regulations in this case. The Guild also appreciates the extension granted for submitting this response.

We are happy to supplement this response with any additional information the commission may require.

Best Wishes,

Philip Bacus

Kitsap County Deputy Prosecuting Attorney Guild

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<sup>&</sup>lt;sup>3</sup> Because of a technical glitch at the Kitsap Sun the advertisement did not end up running. It was supposed to be a replacement advertisement based upon a mistake that was made with regard to ad appearing in the Bainbridge Island Review.

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## EXHIBIT A

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Dec 12, 2014





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Home / Topics / Elections / Kitsap County Prosecutor's Forum; Three Vie to Religie Clier (Deligie County Prosecutor Russ Hauge

## Kitsap County Prosecutor's Forum: Th Replace Gun-Grabbing Democratic P Russ Hauge

Posted by Rachel Alexander on July 24, 2014 🗷 @Rach IC

**₽** Like < 12

🖾 Email

**層** Print





Incumbent Russ Hauge

Tuesday night I watched a forum with the four candidates running for Kitsap County Prosecutor, in the county where I grew up, just outside of Seattle. It was apparent to me that all three of the challengers saw an opportunity to defeat the Democrat incumbent, Russ Hauge, primarily due to his 15-year selective targeting of a local gun club, which I wrote about here.

I am supporting conservative challenger



Bruce Danielson



Bruce Danielson, who is running as an Independent. There is a Republican in the race, public defender Tina Robinson, but she seems rather unsure of the issues and doesn't have a realistic chance at winning. Danielson, on the other hand, almost beat Hauge four years ago.

The forum began with opening statements. Hauge, who was dressed in an expensive suit and shiny yellow tie, immediately came across as arrogant. His opening statement seemed to consist of nothing but bragging, "I can do this job, I've been doing it for 20 years." Then he rambled incoherently about "therapeutic courts," which lost everyone's attention.

### Kitsap County Prosecutor's Forum: Three Vie to Replace Gun-Grabbing Democratic Prosecutor Russ Hauge

By Rachel Alexander, on July 24th, 2014













JAN -5 2015

Public Disclosure Commission



incumbent Russ Hauge

Tuesday night I watched a forum with the four candidates running for Kitsap County Prosecutor, in the county where I grew up, just outside of Seattle. It was apparent to me that all three of the challengers saw an opportunity to defeat the Democrat incumbent, Russ Hauge, primarily due to his 15-year selective targeting of a local gun club, which I wrote about here.

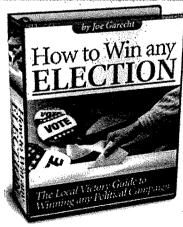
I am supporting conservative challenger Bruce Danielson, who is running as an Independent. There is a Republican in the race, public defender Tina Robinson, but she seems rather unsure of the issues and doesn't have a realistic chance at winning. Danielson, on the other hand, almost beat Hauge four years ago.



Bruce Danielson

The forum began with opening statements. Hauge, who was dressed in an expensive suit and shiny yellow tie, immediately came across as arrogant. His opening statement seemed to consist of nothing but bragging, "I can do this job, I've been doing it for 20 years." Then he rambled incoherently about "therapeutic courts," which lost everyone's attention.

Robinson said in her opening statement that she is running for the position because she has observed many abuses in the prosecutor's office under Hauge, from overcharging and undercharging to abuse of resources and lack of compassion for the victims.

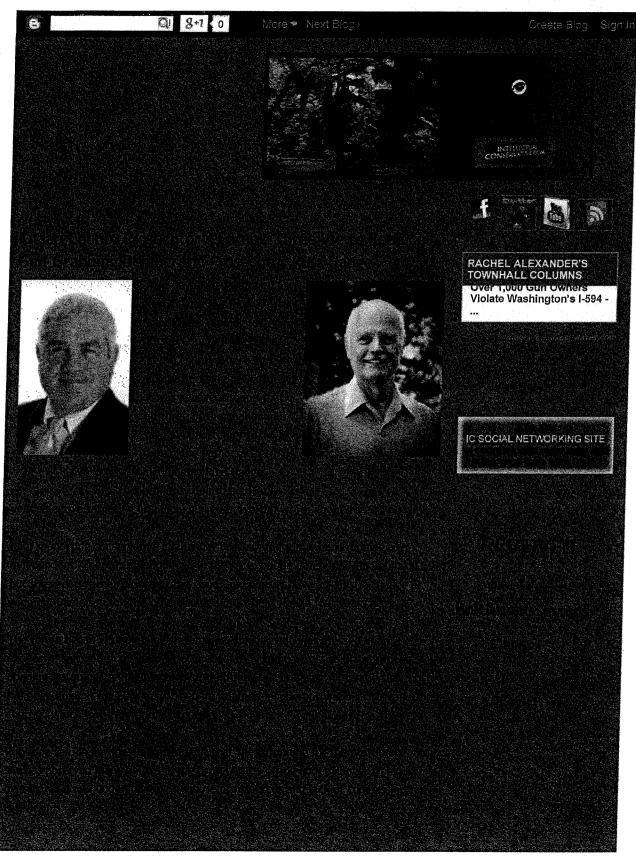


Bruce Danielson said he has more experience than any of the candidates, including the incumbent, in a broader range of areas. He said to judge the current prosecutor using the facts. Since Hauge took office, recidivism rates in Kitsap County have increased more than 400%I Meanwhile, the rest of the state has been undergoing a DECREASE in recidivism. Hauge claims that he's been endorsed by all the county leadership, but Danielson called him out, saying that's not accurate. The Kitsap County Sheriff's Guild has been without a contract since 2009! There have been findings of unfair labor practices by the prosecutor's office as well as unlawfully withholding documents. One prosecutor conducted ex parte contact with a judge. This isn't just about the gun club, Danielson said, this is about our chief law enforcement officer alienating officers on the streets. There have been 13 DUIs and nothing was done about them until now.

Scales criticized Hauge in his opening statement for acting as an administrator, not hands on. Referring to Hauge targeting the

gun club over spite, Scales said, "temperament is important, you can't make decisions based on anger, resentment or bitterness. As a prosecutor, you can't take things personally. As soon as you do, you lose

IC Washington: Kitsap County Prosecutor's Forum: Three Vie to Replace Gun-Grabbing Democ... Page 1 of 7



http://icwashington.blogspot.com/2014/07/kitsap-county-prosecutors-forum-three.html

# Deputies step up to support, oppose Hauge

Andrew Binion 9:10 PM, Jul 29, 2014 10:01 PM, Jul 29, 2014 local news | local elections

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PORT ORCHARD — Two groups of deputies weighed into the campaign for county prosecutor last week, one giving a vote of confidence to the incumbent with an independent ad campaign, the other issuing an "anti-endorsement."

The deputy prosecuting attorney guild, which is pushing for the re-election of their boss, incumbent Russ Hauge, by spending \$6,300 on advertisements to run in the Kitsap Sun's print and online editions. The expenditure was reported Friday to the state Public Disclosure Commission.

It is the single largest outlay of money by or on behalf of a candidate so far in what is likely the county's most contentious primary election. Ballots are due Aug. 5.

On the other side is the sheriff's deputy guild, law enforcement officers who are opposing Hauge and took the unusual step of issuing an "anti-endorsement" Friday, saying the civil attorneys in Hauge's office bear most of the blame for deputies not having a new contract since 2009.

Hauge, a Democrat, was first elected in 1994 and has run unopposed except for 2010. This year, he faces three other candidates in the primary. The two candidates who receive the most votes advance to the general election.

The other candidates are Republican Tina Robinson, independent Bruce Danielson and Democrat Bob Scales.

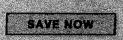
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PSE customers save on efficient upgrades to insulation, heating equipment, water heaters and windows.





## Kitsap Sun Election Guide

Kitsap Sun 2012 Election Guide - Primary: Aug 15, General: Nov 16th

## **Candidates**

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Initiatives Submit a Question
Contact Us

## **Russ Hauge**



Party

Democrat

Age

63

Phone

(360) 710-2688

### Share this candidate

g+1,{0





- ADVERTISEMENT -

http://elections.kitsapsun.com/candidates/russ-hauge

12/11/2014

Sample Ballot for 2014 Election

The following recommendations by the Kitsap County Democrats are based on responses to questionnaires, face-to-face interviews, ublic Disclosure Commission and careful review of qualifications and previous performance.

	and careful review of qualifica	and careful review of qualifications and previous performance.					
	FEDERAL OFFICE	KITSAP COUNTY OFFICES - 4-year terms					
	Congressional District 6 U.S. Representative 2-year term	Commissioner District 3 Linda Streissguth					
Derek Kilmer  STATE OFFICES  Legislative District 23 State Representative Position 1 2-year term		Assesssor Paul Andrews					
		Auditor  Dolores Gilmore  Clerk					
	Sherry Appleton	Dave Peterson					
	Legislative District 23 State Representative Position 2 2-year term  Drew Hansen	Coroner  Greg Sandstrom					
$\vdash$	Legislative District 26	Prosecuting Attorney  Russ Hauge					
State Senator 4-year term  Judy Arbogast  Legislative District 26 State Representative Position 1 2-year term  Nathan Schlicher  Legislative District 26 State Representative Position 2 2-year term		Sheriff Gary L. Simpson					
		Treasurer  Meredith R. Green  STATE SUPREME COURT - 6-year terms  Supreme Court Justice Position 4					
		Supreme Court Justice Position 7  Debra L. Stephens					
	Larry Seaquist	BALLOT INITIATIVES					
S	egislative District 35 tate Senator -year term Irene Bowling	Initiative No. 1351 Direct the legislature to allocate funds to reduce class size and increase staff in K-12.					
S	egislative District 35 tate Representative Position 1 year term	Would apply current criminal background checks by licensed dealers to all firearm sales and transfers, including gun shows and online sales.					
St 2-	egislative District 35 ate Representative Position 2 year term Tammy Newton	Initiative No. 591 This deliberately misleading initiative is designed to nullify I-594 by adding restrictions that would make it impossible for Washington State to create and enforce reasonable gun					

laws.

**Tammy Newton** 



#### Rep Sherry Appleton 23rd District, Pos. 1 We must make the tough decisions to move our economy forward, or risk losing all we love about our state. In these recession recovering times, we need experienced leadership to set our state and Kitsap on the right path. It is an honor to represent you in Olympia.



23rd District, Pos. 2 Rep. Drew Hansen focuses on jobs in the Legislature. He expanded the Olympic college engineering program to train more engineers for the shipyards, sponsored legislation to prepare more students for high-tech jobs, and protected marine industry

jobs by passing legislation to

remove derelict boats from



Judy Arbogast for **26th District Senator** 

our waterways.

I am weary of the partisanship in Olympia - we need to work together to get our state working again. As a retired teacher, I will work to make sure our schools are fully funded, and to ensure women have freedom of choice and receive equal pay for equal work.



Nathan Schlicher for 26th District Rep. Pos. 1 Nathan Schlicher is an ER doctor, father, and proud resident of the 26th District. Born in Bremerton, he understands the importance of our schools, ferries, and small businesses. Serving as our State Senator last year, Nathan also has the legislative experience necessary to get our state back on track.



Rep. Larry Seaguist 26th District, Pos. 2

A 32-year Navy veteran who captained four warships, Larry remains on duty for veterans and their families. Larry concentrates on economic recovery though education. He is working to cut college costs so more people can gain the skills and education needed in Washington's high-tech economy.



#### lrene Bowling for 35th District Senator

A life-long educator and successful small business owner, Irene will put her real-world experience to work for us in Olympia. She has spent her life nurturing the potential in her students, and she can develop the potential this district has for job creation, educational opportunities, and economic growth.



#### Rep Kathy Haigh 35th District, Pos. 1

Kathy has been a Mason County veterinarian for 35 years. She is focused on creating jobs and providing quality education. She remains committed to efficient, effective, and responsive state government. Kathy continues to be a leader who listens and responds to the needs of her constituents.

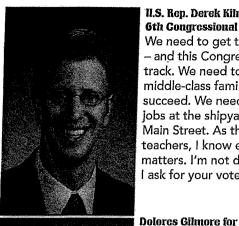


35th District Rep. Pos. 2 With a strong performance in the primary election,

Tammeu Newton for

Tammey looks forward to tackling the challenges and opportunities facing the 35th District. She will work to pass a transportation package, invest in business and provide the education funding our children need.





II.S. Rep. Derek Kilmer **6th Congressional District** We need to get this economy – and this Congress – back on track. We need to ensure middle-class families can succeed. We need to grow jobs at the shipyard and on Main Street. As the son of two teachers, I know education matters. I'm not done fighting. I ask for your vote.



Kitsap County Auditor A skilled and trusted administrator with 30+ years experience working for Kitsap County, Dolores is an

innovative, award-winning leader known for her integrity. She is certified nationally and in Washington as a professional Election Administrator. Dolores is endorsed by numerous county auditors statewide.



Dave Peterson Kitsap County Clerk

Dave has been County Clerk for 13 years, leading an office known for excellent service to the public, courts, and law and justice community. With 35 years administrative, budgetary and personnel experience, Dave is the only candidate with the experience, qualifications, and leadership needed to be Clerk. He has earned re-election.



Gary Simpson for Kitsap County Sheriff

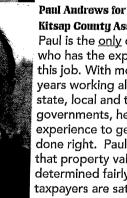
During 29 years in the Sheriff's Office, Gary has served as deputy, corporal, sergeant, and Chief of the Patrol/Corrections/ Civil Divisions. He has managed and inspired personnel at all levels to become engaged in community involvement and fight crime with innovative and creative measures, while being held accountable for their actions.





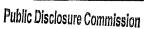
Linda Streissauth Kitsap Countu Commissioner, Dist. 3 Linda is the experienced choice. She is already working to strengthen our local economy, ensure access to essential services like health, housing, transportation, and public safety; and is working to preserve our beautiful parks, open space, shorelines, farms and forests.

Russ Hauge Kitsap County Prosecutor Russ has been keeping our community safe for 19+ years. He is recognized for fighting human trafficking and domestic violence and is endorsed by Governor Jay Inslee, Congressman Derek Kilmer, former Congressman Norm Dicks, and Attorney General Bob Ferguson, plus many in the criminal justice community.



Kitsap County Assessor Paul is the only candidate who has the experience for this job. With more than 19 years working alongside state, local and tribal governments, he has the experience to get the job done right. Paul will ensure that property values are determined fairly and taxpayers are satisfied





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## Sample ballot inside

High voter turnout helps Democrats win. Low voter turnout helps Republicans win





"Nobody will ever deprive the American people of the right to vote except the American people themselves, and the only way they can do this is by not voting."

Franklin Delano Roosevelt

"If American women would increase their voting turnout by 10%, I think we would see an end to all the budget cuts in programs benefitting women and childen."

Coretta Scott King

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Best guess for this image: russ hauge

ReElect Russ Hauge | For Kitsap County Prosecutor reelectrusshauge.com/ -

Photo of Congressman Derek Kilmer and endorsement text for **Russ Hauge**, running for re-; Kitsap-Sun; photo-seaquest; wayne-endorse; kent-endorse; debbie- ...

No other sizes of this image found.

Prosecutor's Targeting of Gun Range Exec Enters 15th Year ... townhall.com/columnists/rachelalexander/2014/04/21/...of.../full ➤ Apr 21, 2014 - Unbelievably, Kitsap County Prosecuting Attorney Russ Hauge, a Democrat, has still not stopped his witch hunt..12/29/2014 2:48:48AM EST.

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Kitsap County Prosecutor's Forum: Three Vie to Replace ...



intellectualconservative.com/kitsap-county-prosecutors-foru... ▼ 180 × 280 - Jul 24, 2014 - Bruce Danielson Incumbent Russ Hauge
Tuesday night I watched a forum with the four candidates running for Kitsap
County Prosecutor, in.

Kitsap County Prosecutor's Forum: Three Vie to Replace Gun rightwingnews.com/.../kitsap-county-prosecutors-forum-three... •



180 × 280 - Jul 24, 2014 - It was apparent to me that all three of the challengers saw an opportunity to defeat the Democrat incumbent, Russ Hauge, primarily due to his ...

#### About Russ | ReElect Russ Hauge

reelectrusshauge.com/about-russ/ ▼

960 × 250 - Born and raised in Kitsap County, Prosecutor Russ Hauge has been keeping our community safe for over 19 years. As Prosecutor, Russ holds criminal offenders ...

#### BACKGROUND INFO | ReElect Russ Hauge | For Kitsap ...

Rao Habyy

reelectrusshauge.com/blog/ -

960 × 250 - Thanks are in order-even overdue. My community has given me 20 great years to be of service. I appreciate it. Not many people can say that they got do ...

#### Contact Us | ReElect Russ Hauge

reelectrusshauge.com/contact-us/

960 × 250 - We'd love to hear from you. You can call, write or send a message using the form below. Call: 360.710.2688. Write: The Committee To Re-Elect Russ Hauge ...

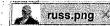
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#### Gallery | ReElect Russ Hauge

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reelectrusshauge.com/gallery/ -

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960 × 250 - Russ and Jil after putting up a sign in Silverdale. Russ with elected officials and candidates at the Hansville Candidate Forum and Pie Social. Russ speaking at ...

#### Volunteer | ReElect Russ Hauge



reelectrusshauge.com/volunteer/ -

960 × 250 - I endorse Russ. I would like to?\*. Doorbell with Russ: Make phone calls for Russ; Host a fundraiser. I am available on the following day (s) and time(s). Monday.

#### Rob Beattie Strongly Supports Russ | ReElect Russ Hauge

Raw Flats:

reelectrusshauge.com/rob-beattie-supports-russ/ -960 × 250 - Aug 2, 2014 - The choice is clear: I am voting for incumbent Russ Hauge. I have practiced law in Kitsap for 34 years, my wife Cris and I have lived on ...

#### Russ Hauge Addresses the Washington State Supreme ...



reelectrusshauge.com/russ-hauge-addresses-the-washington-state... 960 × 250 - Jun 3, 2014 - Russ Hauge Addresses the Washington State Supreme Court Symposium- "Looking to the Future: Adolescent Brain Development and the ...

#### 26th Democratic LD Eboard recommends Russ's ...



reelectrusshauge.com/26th-democratic-ld-eboard-recommends-r... 960 × 250 - Jun 24, 2014 - ReElect Russ Hauge ... The 26th Democratic Legislative District Executive Board recommends their membership endorse Russ at their July 3rd ...

#### Deputies step up to support, oppose Hauge - Story



www.kitsapsun.com/.../deputies-step-up-to-support-oppose-h... ▼ 640 × 458 - Jul 29, 2014 - The deputy prosecuting attorney guild, which is pushing for the re-election of their boss, incumbent Russ Hauge, by spending \$6,300 on ...

#### 2014 Prosecutor's Annual Report Available Now | ReElect ...

reelectrusshauge.com/2014-prosecutors-annual-report-available...

960 × 250 - Jun 18, 2014 - ReElect Russ Hauge ... Since 1995 Russ has published an annual report to give the public an opportunity to review the accountability and ...

#### Kitsap County Democrats Choose Russ for Prosecutor ...

reelectrusshauge.com/democrats-choose-russ/ ▼ 960 × 250 - Russ was endorsed by the 35th Democratic LD at their annual picnic 7/13/14. With the ... This entry was posted in Current Events on July 16, 2014 by Jil Hauge.

#### Kitsap County Prosecutor's Forum: Three Vie to Replace ...



www.teapartytribune.com/.../kitsap-county-prosecutors-foru... • 180 × 280 - Jul 24, 2014 - It was apparent to me that all three of the challengers saw an opportunity to defeat the Democrat incumbent, Russ Hauge, primarily due to his ...

#### Kitsap County Prosecutor's Forum: Three Vie to Replace Gun ...



beforeitsnews.com/.../kitsap-county-prosecutors-forum-three-... ▼ 180 × 280 - Jul 24, 2014 - It was apparent to me that all three of the challengers saw an opportunity to defeat the Democrat incumbent, Russ Hauge, primarily due to his ...

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IC Washington: Kitsap Sun endorses gun-grabbing ...

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icwashington.blogspot.com/.../kitsap-sun-endorses-gun-grabb... 🔻 180 × 280 - Jul 27, 2014 - I grew up in this county, and for the last 15 years, this covered last week in a candidate forum, Russ Hauge is a terrible prosecutor who needs to ...

IC Washington: Kitsap County Prosecutor's Forum: Three ...



icwashington.blogspot.com/.../kitsap-county-prosecutors-foru... 🕶 180 × 280 - Jul 24, 2014 - It was apparent to me that all three of the challengers saw an opportunity to defeat the Democrat incumbent, Russ Hauge, primarily due to his ...

IC Washington: July 2014



icwashington.blogspot.com/2014\_07\_01\_archive.html -180 × 280 - Jul 27, 2014 - It's looking really bad for the gun-grabbing Democrat Kitsap County Prosecutor Russ Hauge. When the own police that you have to work with ...

Hauge - Google 画像 検索結果 - ぐるにゃん



ponsuke3.s100.xrea.com/yg3/img.php?... ▼ Translate this page 640 × 458 - Classify Hans Nielsen Hauge · 掲載サイト類似画像 · Heidi Hauge - Countrymusik - NKBOOKING - Tlf. 7020 3648 · 掲載サイト類似画 像·Erik Hauge - Pictures ...

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#### Re-elect Charles W. Johnson to the Washington State Supreme Court

Candidate for Washington State Supreme Court - Position 4

www.charlesjohnsonforjustice.com **Contact Campaign** 



#### Jeanette A. Lineberry

**Candidate for Pierce County District Court, Position 8** 

www.JeanetteLineberry.org Jeanette@JeanetteLineberry.org

**Rob Freeby** 



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Pierce County Republican Party

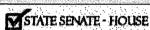


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6TH CONGRESSIONAL DISTRICT



#### **Marty McClendon**

Candidate for Congress - 6th District www.mcclendonforcongress.com Facebook | (253)-283-6044 mcclendon4congress@gmail.com

#### 8TH CONGRESSIONAL DISTRICT



(incumbent)

#### Dave Reichert

Candidate for Congress - 8th District www.davereichert.com Facebook | Twitter (425) 455-3283 Contact Campaign

#### 9TH CONGRESSIONAL DISTRICT



#### **Doug Basler**

Candidate for Congress - 9th District www.dougbasler.com

candidate@dougbasler.com

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#### 10TH CONGRESSIONAL DISTRICT



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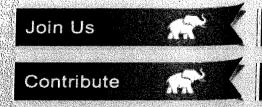
urrently on the Pierce County Council)

#### Joyce McDonald

Candidate for Congress - 10th District www.joycemcdonald.com Facebook | Twitter Contact Campaign

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#### CALENDER OF EVENTS

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#### Thank You!

To Pierce County Voters, Family, Supporters, Friends and Colleagues

Thank you for your vote and support through the 2014 election process. It's my privilege to serve as one of your Pierce County District Court Judges.

Who Endorses Jeanette?

Mark Lindquist, Pierce County Prosecutor Dick Muri, State Representative Dawn Morrell, State Representative Doug Richardson, Pierce County Council Marty Campbell, Tacoma City Council Judge Jerry Costello, Pierce County Superior Court Judge Kevin McCann, Pierce County District Court

Pierce County Republican

Party

31st Legislative District Democrats WACOPS - Washington Council of Police & Sheriffs Tacoma Police Union Local #6

Click here to see the full list of endorsements.

Add Your Name to the Growing List!





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http://www.mcclendonforcongress.com/

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