



STATE OF WASHINGTON  
**PUBLIC DISCLOSURE COMMISSION**

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May 1, 2014

The Honorable Robert Ferguson  
Attorney General  
1125 Washington St SE  
PO Box 40100  
Olympia, WA 98504-0100

RE: Washington State Public Disclosure Commission Referral Following Staff Report of Investigation re: Food Democracy Action! and Food Democracy Action! Yes on I-522 to Label GMOs in Washington (FDA-WA State PAC), PDC Case No. 14-007

Dear Attorney General Ferguson:

This letter follows up on the matter that your office referred to the Public Disclosure Commission for review and possible investigation on November 6, 2013 in response to a 45-day Citizen Action Complaint (Complaint) filed with the Attorney General on October 25, 2013, regarding Food Democracy Action! (FDA) and Food Democracy Action! Yes on I-522 to Label GMOs in Washington (FDA-WA State PAC).

The Complaint alleged that FDA and FDA-WA State PAC failed to register with the PDC as a political committee in support of Initiative 522, a statewide initiative concerning the labeling of genetically modified foods and beverages on the November 5, 2013 general election ballot in Washington State. The complaint also alleged that FDA and FDA-WA State PAC failed to file Cash Receipts Monetary Contributions reports (C-3 reports), and Campaign Summary Receipts & Expenditures reports (C-4 reports) disclosing contribution and expenditure activities undertaken as a political committee in its support of I-522.

After initial review, the PDC staff opened a formal investigation on December 4, 2014, which has now concluded and been considered by the Commission. The Commission considered the results of the investigation into this matter at the April 24, 2014 Commission meeting, where PDC staff presented the Report of Investigation and the PDC staff recommendation on the allegations. A copy of the PDC staff Report of Investigation, and Executive Summary and Staff Analysis, have previously been provided to your office.

The staff investigation showed evidence indicating multiple apparent violations of RCW 42.17A in the following ways:

1. As early as July 2013, FDA sent out electronic newsletters encouraging readers to support labeling efforts in Washington State by helping FDA reach a \$150,000 fundraising goal by July 31. FDA received its first contribution for I-522 on July 31, 2013, which required it to register as a political committee no later than August 13, 2013.
2. On November 13, 2013, eight days after the November 5, 2013 general election, and 92 days late, FDA registered FDA-WA State PAC as a first-time political committee.
3. On November 22, 2013, FDA-WA State PAC filed 11 C-3 reports disclosing the receipt of \$250,036 in monetary contributions received during the period July 30 through October 30, 2013. These monetary contributions were reported between 18 and 109 days late, and more than two weeks after the November 5, 2013 general election.
4. On January 15, 2014, FDA-WA State PAC filed five C-4 reports disclosing contribution and expenditure activity during the period July 1 through November 30, 2013. Expenditures totaling \$295,662 were disclosed on C-4 reports filed between 36 and 158 days late.
5. The post-general election C-4 report included two in-kind contributions totaling \$45,627 from Food Democracy Action for committee staffing and data services, received on November 5, 2013.

Based on the results of staff's investigation, the Commission found that FDA and FDA-WA State PAC committed multiple apparent violations of RCW 42.17A and concluded that the Commission's penalty authority is inadequate to address these apparent violations, given the amount of late-reported activity and the lateness of the committee's registration and reporting. The Commission also referred this matter back to the Attorney General's Office for you to take appropriate action against the Respondents, in accordance with RCW 42.17A.105(5) and RCW 42.17A.755(3) and requests that you explore all remedies allowed by law in superior court, including as provided in RCW 42.17A.750.

If you have any questions, please contact me at (360) 664-2735. Thank you.

Sincerely,

  
Andrea McNamara Doyle  
Executive Director

c: Commissioners  
Linda A. Dalton, Sr. Assistant Attorney General  
Gregory F. Wong, counsel for FDA and FDA-WA State PAC