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JUL 29 2014



Public Disclosure Commission

**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.

Kitsap County Deputy Prosecuting Attorney Guild, Chad Enright, President

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.

JUL 29 2014

Evidence and Witnesses

Public Disclosure Commission

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.

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

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

RECEIVED

JUL 29 2014

Complainant #3

Public Disclosure Commission

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

Oath

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

K.A.S.

Date signed

7/28/14

Place signed (city and county)

Bainbridge Island, Kitsap

City

County

Complainant #2

Your signature

Elizabeth Coplan

Date signed

July 28, 2014

Place signed (city and county)

Bainbridge Island Kitsap

City

County

Complainant #3

Your signature

Kenneth Robinson

Date signed

July 28, 2014

Place signed (city and county)

Port Orchard

Kitsap

City

County

Attachments

✓ 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 www.pdc.wa.gov. 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.

+ If 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 www.pdc.wa.gov 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 (www.reelectrusshauge.com) 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 23rd District Democrats endorsement

meeting where Mr. Enright spoke publicly urging the 23rd District to endorse Mr. Hauge, the Bainbridge Island 4th 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: www.reelectrusshaug.com. 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.

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