



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: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

October 23, 2018

Sent electronically to Truth for Washington at owells@truthforwashington.com

Subject: Truth for Washington Complaint Return Letter, PDC Case No. 38701

Mr. Wells:

Enclosed is a copy of a letter sent to Joe Yates concerning a complaint he filed with the Public Disclosure Commission (PDC) on July 30, 2018. The complaint alleged that the Truth for Washington, a continuing "Other" political committee registered with the PDC, may have violated RCW 42.17A.205 by failing to disclose a sponsoring committee's name on the Committee Registration (C-1pc report); and (2) RCW 42.17.320 by failing to include the complete sponsor identification for independent expenditure advertisements undertaken in support of a candidate, and the party preference of the candidates featured in advertisements.

Pursuant to WAC 390-37-060(1)(b), this letter is a formal written warning for Truth for Washington concerning the importance of including a complete sponsor identification on all future political advertisements, including independent expenditure advertisements, as well as the party preference for any candidates featured in the advertisements. The PDC will not be conducting a more formal investigation into the allegations listed in the complaint, but the PDC will consider this formal written warning if there are future PDC law or rule violations committed by Truth for Washington.

Based on this information, the PDC has dismissed the complaint in accordance with RCW 42.17A.755(1)(a).

If you have questions, you may contact me at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at erick.agina@pdcc.wa.gov.

Sincerely,

Endorsed by:

s/ _____

s/ _____

Erick Agina
PDC Compliance Officer

Peter Lavelle
Executive Director



Public Disclosure Commission
Shining Light on Washington Politics Since 1972



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October 23, 2018

Sent electronically to Joe Yates at Jsph_yts31@yahoo.com

Subject: Truth for Washington Complaint Return Letter, PDC Case No. 38701

Dear Mr. Yates:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on July 30, 2018. The complaint alleges that the Truth for Washington, a political committee registered with the PDC, may have violated: (1) RCW 42.17A.205 by failing to disclose a sponsoring committee's name as part of the Committee Registration (C-1pc report); and (2) RCW 42.17.320 by failing to include the complete sponsor identification for independent expenditure advertisements undertaken in support of a candidate, and the party preference of the candidates featured in advertisements.

PDC staff reviewed the allegations listed in the complaint to determine whether a formal investigation or enforcement action is warranted. Staff reviewed the allegations listed in the complaint and the exhibits depicting the political advertisement, the C-1pc report(s) filed by Truth for Washington, and the August 14, 2018 response letter from the Truth for Washington (by Orin Wells). Based on staff's review, we found the following:

- On February 18, 2018, Truth for Washington (TFW) filed a C-1pc report for 2018 disclosing it was a continuing "Other" political committee, selecting the Full Reporting Option, and indicating it was affiliated with Working Families of King County, another political committee listing the same address and officers. TFW has been registered with the PDC as a continuing political committee since April 2010.
- On September 13, 2018, TFW filed an amended C-1pc report disclosing that the committee name had been changed to Truth for Washington – Sponsor Working Families of King County.

Allegation One: Failure to disclose "No candidate authorized this ad" as part of the sponsor identification requirements in independent expenditure political advertising in opposition of a candidate.

- RCW 42.17A.320(4) requires independent expenditure or electioneering communication advertisements transmitted via television or other medium to include the statement "No candidate authorized this ad" and must appear in print and be visible for at least four seconds or be clearly spoken.
- Staff reviewed the independent expenditure advertisement placed on YouTube and found that it failed to include the statement "No candidate authorized this ad" statement as required by the statute. The video also depicted a partial image of the letter containing the Washington State Seal, but that issue is not under the jurisdiction of the PDC and was not reviewed by staff.
- In the response letter, TFW officers stated that the YouTube video referenced in this complaint was a preliminary version of the final advertisement that was intended for a cable TV advertisement media buy. The advertisement was never intended for public viewing. TFW has pulled down the original advertisement and replaced it with the final version, and further explained that the media company they contracted with to produce the video, had created the YouTube video as a convenience for reviewing the preliminary content.

Allegation Two: Failure to identify Candidate Caldier's party preference in political advertisement.

- RCW 42.17A.320(1) requires all political advertising, including independent expenditures to clearly identify the party preference of the candidate(s) featured in the advertisements, as indicated on the Declaration of Candidacy filed by the candidate(s).
- Staff reviewed this allegation and determined that the YouTube video did not disclose the party preference for Michelle Caldier, an incumbent State Representative in the 26th Legislative District and a candidate seeking re-election to that office in 2018.
- TFW officers stated that the committee was not aware that the media company failed to include the party preference of Candidate Caldier as required. After reviewing the preliminary video clip, TFW officers advised the media company to include the required information and provided staff with a link of the final version of the TV ad on YouTube as part of their response.

Allegation Three: Failure to disclose Working Families of King County as a sponsoring committee on the C-1pc report and failure to include them as the sponsor as part of the Truth for Washington's name.

- RCW 42.17A.250(2)(a)(5) requires political committees to file a statement of organization with the PDC and the C-1pc report shall include the names and addresses of all related or affiliated committees, the nature of the relationship or affiliation, and the name of any sponsoring committee must be included as part of the committee name if they provide 80% or more of the funding for the committee.
- As noted above, the C-1pc report filed by the TFW on February 12, 2018 failed to disclose Working Families of King County as a sponsor. TFW filed an amended C-1pc report including the name of Working Families of King County as their sponsor, and part of the committee name.

While the Truth for Washington failed to accurately report the sponsors name in the committee name on the C-1pc and in political advertisements, and to include the candidate(s) party preference, they did take corrective action for the final version of the advertisement prior to being aired on cable TV ad distribution. In addition, TFW also made a good faith effort of expeditiously amending their C1pc to reflect the sponsoring committee.

Pursuant to WAC 390-37-060(1)(b), this letter is a formal written warning for Truth for Washington concerning the importance of: (1) providing a complete sponsor identification and party preference of any candidate(s) featured on all future political advertisements, including independent expenditure advertisements; (2) timely amending the C-1pc report to include the name of a sponsor if the contributing committee or person meets the definition of a sponsor. This formal written warning covers our expectation that Truth for Washington will fully comply with the requirement listed above in the future.

The Commission will consider this formal written warning if there are future PDC law or rule violations by the committee.

Based on the above review, the PDC has dismissed the complaint in accordance with RCW 42.17A.755(1)(a).

If you have questions, you may contact me at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at erick.agina@pdc.wa.gov.

Sincerely,

Endorsed by:

s/ _____

s/ _____

Erick Agina
PDC Compliance Officer

Peter Lavallee
Executive Director

cc: Orin Wells, Truth for Washington