



**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

November 8, 2018

Delivered electronically to Kenneth S. Kagan, PLLC on behalf of the client III Branches Law & Joan Mell at "ken@kenkaganlaw.com"

Subject: PDC Case 40030

Dear Mr. Kagan:

Below is a copy of an electronic letter sent to Conner Edwards concerning a complaint filed with the Public Disclosure Commission (PDC). As noted below in the letter to Mr. Edwards, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

However, pursuant to WAC 390-37-060, this letter serves as a warning letter concerning your failure to timely and accurately file independent expenditures of one hundred dollars or more within five days of the expenditure (C-6 reports) and RCW 42.17A.255, .260 and .305 by failing to electronically submit reports within 24 hours, disclosing electioneering communications with a value of one thousand dollars or more within 60 days before the primary election (C-6). Staff expects III Branches Law to file accurate and timely C-6 reports in future elections in which you participate. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 or toll-free at 1-877-601-2828, or by e-mail jennifer.hansen@pdc.wa.gov.

Sincerely,

/s_____

Jennifer Hansen
Compliance Officer

Endorsed by,

/s_____

For Peter Lavallee
Executive Director



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November 8, 2018

Delivered electronically to Conner Edwards at "cg.edwards53@gmail.com"

Subject: III Branches Law & Joan Mell complaint return with warning cover letter PDC Case 40030

Dear Mr. Edwards:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 27, 2018. Your complaint alleged that III Branches Law, a law firm making independent expenditures and electioneering communications supporting four candidates in the 2018 election, and its principal Joan Mell, may have violated RCW 42.17A.255 and RCW 42.17A.260 by failing to timely and accurately file independent expenditures of one hundred dollars or more within five days of the expenditure (C-6 reports) and RCW 42.17A.255, .260 and .305 by failing to electronically submit reports within 24 hours, disclosing electioneering communications with a value of one thousand dollars or more within 60 days before the primary election (C-6).

PDC staff reviewed your allegations, the C-6 reports filed by III Branches Law, and the response from attorney Kenneth S. Kagan, PLLC on behalf of the client III Branches Law and its principal Joan Mell. As a result of staff's review, we found the following:

- On July 8, 2018 and August 9, 2018, III Branches Law paid for advertisements, including online and printed ads, in support of four candidates running in the 2018 primary and/or general elections.
- The advertisement paid for on July 8 identified Pierce County Prosecutor candidate, Mary Robnett and was originally presented to the public in the Tacoma Weekly beginning on July 13, 2018. The same ad ran again on July 20, 2018, July 27, 2018 and August 3, 2018.
- On October 3, 2018, III Branches Law submitted a C-6 report identifying three additional candidates they were supporting, including Karl Williams and Elizabeth Padula, both running for Pierce County District Court and Dwayne Christopher, a candidate for Tacoma Municipal Court.
- As required by RCW 42.17A.305, the expenditures should have been filed electronically within 24 hours of the date the advertisements were originally presented to the public. Working with PDC staff, III Branches Law submitted several amended C-6 reports which included, missing sponsor and vendor addresses, correction of missing or incorrect dates, and proper identification of the type of expenditures made. The corrected C-6 report disclosed \$9,380 spent in support of Mary Robnett and \$500 in support of Dwayne Christopher, Karl Williams and Elizabeth Padula.
- In his response, Mr. Kagan stated that Ms. Mell, principal of III Branches Law, was out of town until after the date she believed the C-6 reporting the July 8, 2018 expenditure was due and that Ms. Mell filed the report as soon as she returned. In addition, Mr. Kagan described Ms. Mell's apparent misunderstanding of the specific category of expenditure her law firm was disclosing and the accompanying due dates.

- The respondent, III Branches Law and its principal, Joan Mell, have no prior violations of PDC laws or rules, and have disclosed the expenditures identified in the complaint.

Pursuant to WAC 390-37-060(1)(b), III Branches Law and its principal, Joan Mell, will receive a formal written warning concerning the failure to timely and accurately file independent expenditures of one hundred dollars or more within five days of the expenditure (C-6 reports) and RCW 42.17A.255, .260 and .305 by failing to electronically submit reports within 24 hours, disclosing electioneering communications with a value of one thousand dollars or more within 60 days before the primary election (C-6). The formal written warning will include staff's expectation that the law firm file accurate and timely C-6 reports in future elections in which you participate. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on these facts, staff has determined that in this instance, no evidence to support finding a material violation warranting a more formal investigation into your complaint or pursuing further enforcement action in this case. The PDC has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at jennifer.hansen@pdc.wa.gov.

Sincerely,
/s _____
Jennifer Hansen
Compliance Officer

Endorsed by,
/s _____
For Peter Lavallee
Executive Director

cc: Kenneth Kagan