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September 5, 2018

VIA ELECTRONIC MAIL

Mx. Fox Blackhorn, Compliance Coordinator 2
Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504-0908

Re: Complaint of Conner Edwards against Joan Mell
PCD Case No. 40030

Dear Mx. Blackhorn:

Joan Mell has retained me to represent and assist her in dealing with the complaint you are coordinating.

This letter responds to the allegations set forth in the August 27, 2018 complaint of Conner Edwards, forwarded to Ms. Mell by you on August 28, 2018. The two allegations are that Ms. Mell failed to timely file a C-6 for the Tacoma Weekly advertising, and that the advertising excluded her address. Ms. Mell very much appreciates your call of August 29, 2018, wherein you discussed the assistance provided by Tammy Walker, Customer Service Specialist, to perfect an amended C-6 filing, dated August 28, 2018, as well as amending future advertising to include the requisite address.

Ms. Mell also filed a *second* amended C-6 on August 29, 2018, because she had not listed Tacoma Weekly's address on the first amended C-6. Moreover, given a review of the statutes you and she discussed, Ms. Mell decided to include an "x" in each box in the intro, as each appear to apply to different ads.

With regard to the chronology of events as they relate to the timeliness of the C-6 report for the advertising that is the subject of the complaint, the advertisements attached to the complaint are true and correct copies.

The first advertisement purchased was published on Friday July 13, 2018, more than 21 days (25 days, actually) prior to any election. In this instance, the subject primary election was held on August 7, 2018. Given that the July 13, 2018 ad was not a political ad published within 21 days of an election, that advertisement would be subject to the "independent expenditure" reporting timelines. Ms. Mell filed a C-6, postmarked on July 20, 2018, disclosing the independent expenditure for the July 13th ad and the three later ads.

The next ad appeared on July 20, 2018, when the C-6 was filed. The next two followed after that date. Ms. Mell's initial expenditure report had already been filed for earlier expenditures related to design costs for stickers.

Pursuant to RCW 42.17A.255(3), Ms. Mell's next interval for reporting independent expenditures would have been on the 21st day *preceding* the date of the election (i.e., July 17, 2018). On July 17, 2018, Ms. Mell was out of town and out of service on the Middle Fork of the Salmon River in Idaho, where she had been since July 11, 2018. Upon her return, she immediately attended to the C-6 filing, which by then was, admittedly, three days late, but well before the primary. Ms. Mell had not calculated the deadline before leaving town, and had purchased the advertising right before she left on July 8th.

After filing, Ms. Mell looked for the posted expenditure at various times on the PDC website. Prior to receiving the complaint, she had contacted the PDC, concerned that the PDC may not have received her filing because it was not posted. She spoke with a gentleman who answered the phone, and who affirmed that the PDC received her July 20, 2018 filing and that he was looking at it. This gentleman noted that it was not yet posted online, and said he would need to speak to someone about whether he could post it right away. He took Ms. Mell's number and indicated he would call her back. Ms. Mell invited him to do so, indicating that she wanted to be sure she was filing correctly.

Ms. Mell did not receive a return phone call. Her first indication that the C-6 from July 20, 2018 required correction was via an e-mail from Tammy Walker on August 28, 2018. Ms. Mell spoke with Ms. Walker that day to make corrections to the July 20, 2018 C-6 filing, as well as her later C-6 for future advertising.

With regard to correcting the address omission, Ms. Mell has instructed the Tacoma Weekly to add her address. Ms. Mell actually sent the publisher a screen shot from your guidelines for political advertising, and asked that the digital banner and print ad conform to the guidelines. None of the new advertisements have yet been published, but there is, however, a digital banner on the Tacoma Weekly website that Tacoma Weekly assured her would be corrected.

Thank you for your consideration in this regard. We appreciate your assistance in perfecting Ms. Mell's filings. PDC disclosures are not Ms. Mell's area of expertise, and she values your help in bringing her reports and advertising into compliance. Please extend Ms. Mell's apologies to the complainant, who has afforded Ms. Mell the opportunity to participate in the process correctly.

Thank you for your courtesy.

Mx. Fox Blackhorn
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Very truly yours,

LAW OFFICE OF KENNETH S. KAGAN, PLLC

A handwritten signature in black ink that reads "Kenneth S. Kagan". The signature is written in a cursive style with a large, prominent "K" at the beginning.

Kenneth S. Kagan