



**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

February 25, 2019

Delivered electronically to "jason@argo.us"

Subject: Complaint filed by Conner Edwards, PDC Case 44372

Dear Up for Thurston County:

Below is a copy of an electronic letter sent to Conner Edwards concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Conner Edwards, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(b), this letter serves as a warning letter concerning their failure to disclose the committee's sponsorship by Puget Sound Energy at the time of registration, and failure to disclose the committee's sponsorship by Puget Sound Energy on political advertising mailed within 21 days of the General Election. Staff expects you to timely, accurately, and completely disclose committee sponsorship in the future. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by email at pdcc@pdcc.wa.gov.

Sincerely,

/s _____
Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s _____
Peter Lavalley
Executive Director



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February 25, 2019

Delivered electronically to “cg.edwards53@gmail.com”

Subject: Complaint regarding Up for Thurston County (2), PDC Case 44372

Dear Conner Edwards:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on December 18, 2018. Your complaint alleged that Up for Thurston County may have violated RCW 42.17A.320 for failure to disclose the name of controlling individuals or entities on political advertising; RCW 42.17A.205 for failure to disclose committee sponsorship by Puget Sound Energy after they made a contribution, constituting 100% of total contributions, on the day the committee was formed; RCW 42.17A.270 for failure to designate contributions earmarked to support election campaign of Candidate Oosterman; and RCW 42.17A.420 for making an earmarked in-kind contribution to Candidate Oosterman exceeding \$5000, in the period beginning 21 days before an election.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the responses provided by Up for Thurston County; the applicable PDC reports filed by Respondent; and queried the Respondent’s data in the PDC contribution and expenditure database, to determine whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- On October 15, 2018, Up for Thurston County filed its initial Committee Registration (C-1pc), on the same day that Puget Sound Energy made a \$13,000 contribution to the committee, constituting 100% of total contributions on the day the committee was formed, which Up for Thurston timely disclosed on C-3 report 100868145, filed October 22, 2018.
- In accordance with RCW 42.17A.205(5), Up for Thurston County was required to include the name of any sponsoring persons in their committee name on the C-1pc, which is defined by RCW 42.17A.005(46)(b)(i) as a person whom the committee has received “*eighty percent or more of its contributions either from the person or from the person’s members, officers, employees, or shareholders*”.
- On October 29, 2018, Up for Thurston County made expenditures totaling \$9,952.49 for mailers in support of Candidate Oosterman, which listed Puget Sound Energy as one of the top contributors, but failed to include their greater than 80% sponsorship in the committee’s name, as required by RCW 42.17A.320.

- By failing to include Puget Sound Energy’s sponsorship in the name of the committee, Up for Thurston County failed to disclose to the public the extent of Puget Sound Energy’s contributions to the committee, or their sponsorship of the mailer in support of Candidate Oosterman.
- While Up for Thurston County failed to include the sponsorship of Puget Sound Energy in their name and on their advertising, the amount of their contribution was fully and timely disclosed, and Puget Sound Energy’s status as a top contributor was timely disclosed so that the public was not deprived of critical information.
- On January 11, 2019, Up for Thurston County amended their C-1pc to include their sponsorship by Puget Sound Energy.
- Insufficient evidence has been presented to support the allegations that the contribution made by Puget Sound Energy was earmarked to support Candidate Oosterman as required by RCW 42.17A.270.
- Insufficient evidence has been presented to support the allegations that Puget Sound Energy’s contribution to Up for Thurston County was an earmarked contribution that would have circumvented the \$5000 limit on contributions made in the period beginning 21 days before an election, as provided by RCW 42.17A.420.

Based on these findings staff has determined that, in this instance, failure to disclose Puget Sound Energy as the 100% sponsor of Up for Thurston County on the day the committee was formed, and to include their sponsorship on political advertising, do not amount to actual violations warranting further investigation.

Pursuant to WAC 390-37-060(1)(b), Up for Thurston County will receive a formal written warning concerning their failure to disclose the committee’s sponsorship by Puget Sound Energy at the time of registration, and failure to disclose the committee’s sponsorship by Puget Sound Energy on political advertising mailed within 21 days of the General Election. The formal written warning will include staff’s expectation that Up for Thurston County timely, accurately, and completely discloses committee sponsorship in the future. 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 finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s _____
Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s _____
Peter Lavalley
Executive Director

cc: Up for Thurston County