



State of Washington

**PUBLIC DISCLOSURE COMMISSION**

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May 3, 2018

Delivered electronically to Jerry Hatcher

Subject: Jerry Hatcher Complaint Return Cover Letter, PDC Cases 20988 & 23488

Sheriff Hatcher:

Below is a copy of an electronic letter sent to Brian Wright concerning the two complaints he filed with the Public Disclosure Commission (PDC).

As noted below in the electronic letter to Mr. Wright, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter.

If you have questions, please contact PDC staff member Kurt Young by e-mail at [kurt.young@pdcc.wa.gov](mailto:kurt.young@pdcc.wa.gov).

Sincerely,

/s \_\_\_\_\_  
Kurt Young  
Compliance Officer

Endorsed by,

/s \_\_\_\_\_  
Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director



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May 3, 2018

Delivered electronically to David Wright

Subject: Complaints filed against Jerry Hatcher, PDC Cases 20988 & 23488

Mr. Wright:

The Public Disclosure Commission (PDC) has completed its review of the complaints you filed on April 18, 2017 (PDC Case 20988) and July 16, 2017 (PDC Case 23488). Your complaints alleged that Jerry Hatcher, a candidate seeking the office of Benton County Sheriff in 2017, may have violated RCW 42.17A, as detailed below.

PDC staff reviewed the allegations listed in your two complaints, the statutes and rules, and the response from Jerry Hatcher, and as a result we found the following:

- On March 10, 2017, Jerry Hatcher filed a Candidate Registration (C-1 report) declaring his candidacy for Benton County Sheriff in 2017, and selecting the full reporting option. Mr. Hatcher was a first-time candidate for public office in 2017. Mr. Hatcher was appointed Benton County Sheriff in April of 2017, and elected to the office in November of 2017.

Alleged violation of RCW 42.17.405 and WAC 390-17- by spending contributions received and attributed for the 2017 general election, prior to the 2017 primary election being held.

- Mr. Hatcher stated that his Treasurer had previously served in that capacity for a judicial candidate, who did not have a primary election since there were only two candidates on the ballot. His Treasurer was initially not aware that despite the fact there were only two candidates running for Sheriff in 2017, since a partisan office was being sought, both candidate's names appeared on the 2017 primary and general election ballots, therefore each candidate had a primary and general election contribution limit. The campaign filed amended Monetary Contributions reports (C-3 reports) properly attributing the previously disclosed contributions received between the two elections.

Alleged violation of RCW 42.17.565 by soliciting contributions from Benton County Sheriff employees.

- While the statute prohibits elected officials from soliciting contributions from agency employees, those same employees are permitted to make "voluntary contributions" to elected officials.

- Mr. Hatcher stated that he did not solicit or request a contribution from any Benton County employees or public officials. He added that all the contributions made to his 2017 Campaign were made “freely and willingly” by the contributors.

Alleged violation of RCW 42.17.405 by receiving contributions that exceeded the contribution limits from George Garlick, Carol, Todd and Janel Garlick, Garlick Enterprises, Inc., and G.F. Garlick Family, LCC.

- Mr. Hatcher stated his campaign received three monetary contributions, and three in-kind contributions from the four individuals and two entities listed in the complaint. He stated that none of the six contributions exceeded the 2017 contribution limits for a county office. No evidence was found the contributions from the two entities were affiliated and shared a contribution limit, or that the contributions received from the four individuals exceeded the contribution limits.

Alleged violation of RCW 42.17A.435 by concealing the source of the \$25,000 contribution Mr. Hatcher made to his campaign using personal funds.

- Mr. Hatcher stated the \$25,000 in personal funds that he contributed to his campaign was “from assets that I had legal access and control of.” He added that the complainant failed to provide any evidence to support that allegation. PDC staff reviewed the Personal Financial Affairs Statement (F-1 report) filed by Mr. Hatcher, and it appeared there were enough assets disclosed on that reports for Mr. Hatcher to contribute the \$25,000 in personal funds to his campaign.

Alleged violations of RCW 42.17A.555 by using the facilities of Benton County to support his candidacy for Sheriff.

- Mr. Hatcher stated that this allegation was listed in both complaints and that he only used photographs “or videos from the local news stations or paper that are out in the public domain and I am operating in my official capacity as Sheriff.” He stated that the videos were all news features covered by the local news channels, which already aired and were available to the public prior to him announcing his candidacy. He stated that none of the videos were made specifically for the campaign or at the request of the campaign.

Alleged violations of RCW 42.17A.235 by failing to timely file C-3 reports.

- Mr. Hatcher acknowledged his Campaign failed to timely file two of the C-3 reports listed in the complaint. He stated that the two C-3 reports were both filed on June 27, 2017, disclosing: (1) A \$1,000 contribution was received from Tri Cities Battery on June 7, 2017, and deposited on June 13, 2017. A C-3 report was required to have been filed on June 19, 2017, and the report was filed eight days late; and (2) A \$100 contribution was received from Rusty Morris on June 14, 2017, and a \$500 contribution was received from Alexandria Nicole Cellars on June 15, 2017. Both contributions were deposited on June 19, 2017, and required to be disclosed on June 26, 2017. The C-3 report was filed one day late.

Alleged violations of RCW 42.17A.240 by failing to timely disclose expenditures made and in-kind contributions received by the Campaign.

- Allegation concerning failure to report City of West Richland yard sign fees: Mr. Hatcher stated that his Campaign disclosed making two \$100 expenditures made to the City of West Richland on June 7 and June 17, 2017, respectively, for the sign application fees to post 4 x 8-foot signs within the city. The expenditures were timely disclosed on the 21-Day Pre-Primary Election C-4 report.
- Allegation concerning failure to report in-kind contributions for campaign signs: Mr. Hatcher stated that “Markel” Property signs are posted by the Markel family for the sale of real-estate all around the Benton County area, and that over the years, the family has allowed candidates “to place their signs on the back of the property signs.” He stated that he could follow that practice during the 2017 election and his Campaign attached four of his 4 x 8-foot signs to the back of those signs. He stated that the signs were not paid advertising, and there was “no monetary amount associated with this arrangement to be reported as an in-kind donation.” He stated that his Campaign timely reported all expenditures for yard signs.

Alleged violation for attaching Jerry Hatcher for Sheriff campaign signs to WSDOT fencing.

- Mr. Hatcher stated his campaign had “sign crews assisting in the placement and maintenance of signs. We have over 800 signs out currently and I located (1) sign that was erected next to a WSDOT fence.” He stated while the sign had its own posthole, it “was tethered to the DOT fence post” but it was immediately removed once the Campaign became aware of it.

Alleged violation for false endorsement from elected Sheriff’s in Washington State.

- Mr. Hatcher attached a copy of an “Elections Signature Ad Authorization Form” signed by 38 County Sheriffs in Washington State, allowing his Campaign to use their names and titles in political advertising, including in the Tri-Cities Herald.

Based on these findings, staff has determined that in this instance, there is no evidence that supports a finding of a material violation warranting further investigation. The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case. If you have questions, you may contact Kurt Young by e-mail at [kurt.young@pdc.wa.gov](mailto:kurt.young@pdc.wa.gov).

Sincerely,

/s \_\_\_\_\_  
Kurt Young, Compliance Officer

Endorsed by,

/s \_\_\_\_\_  
Barbara Sandahl, Deputy Director  
For Peter Lavalley, Executive Director

cc: Jerry Hatcher