



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

October 5, 2017

bradensigua@yahoo.com

Subject: Complaint regarding John Karkak, PDC Case 21393

Dear Braden Sigua:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on June 28, 2017. Your complaint alleged that John Kartak may have violated RCW 42.17A.335(1)(b) by sponsoring political advertising that falsely represented he is the incumbent for the office of Mayor of the Town of Snohomish when in fact he is not the incumbent.

PDC staff reviewed your allegations and found that John Kartak sponsored political advertising that included his name followed by the word Mayor, but did not include an express statement, such as by using “for” or “elect,” that he was seeking the office of Mayor. However, to find that a person has violated RCW 42.17A.335(1)(b) by making a false statement of incumbency, staff must prove that the statement constituted libel or defamation, and the Legislature has specifically indicated in RCW 42.17A.335(3) that it is not a violation for a candidate or candidate’s agent to falsely represent that the candidate is the incumbent for the office sought because a candidate cannot defame himself or herself.

To avoid confusion about whether Mr. Kartak is the incumbent office holder, staff will suggest that he consider modifying his advertising to state that he is seeking the office of Mayor, by using such words as “for,” “elect,” or some synonym.

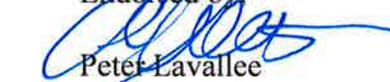
Based on these initial findings, staff has determined that in this instance, there is no reason to believe John Kartak has violated RCW 42.17A.335(1)(b), and no further action is required. PDC staff has closed this matter, and will not be conducting a more formal investigation into your complaint or pursuing enforcement action in this case.

If you have questions, you may contact Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,


Philip E. Stutzman
Sr. Compliance Officer

Endorsed by


Peter Lavallee
Executive Director

cc: John Kartak