



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 13, 2017

Sent electronically to Barry Johnson "bdjfive@gmail.com"

Subject: Complaint filed against David Zarate, PDC Case 20769

Mr. Johnson:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on May 19, 2017. Your complaint alleged that David Zarate, a candidate for Fife City Council in 2015, may have spent \$10,000 on his 2015 Campaign and failed to register and file reports disclosing contribution and expenditure activities in violation of RCW 42.17A.205, .235 and .240.

For your information, PDC staff reviewed a similar complaint filed by Mike Hartzell on September 4, 2015, against David Zarate alleging that he failed to file a Candidate Registration (C-1 report), and Monetary Contribution Reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure Reports (C-4 reports), disclosing contribution and expenditure activities undertaken in 2015, in violation of RCW 42.17A.205, .235 and .240.

In that case, PDC staff sent Mr. Hartzell a complaint return letter on October 12, 2015 (copy enclosed). Based on our 2015 review of similar allegations made against Mr. Zarate, PDC staff found no new evidence of a material violation that would require conducting a more formal investigation into your complaint or pursuing enforcement action in this instance.

If you have questions, you may contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,

Kurt Young
PDC Compliance Officer

Endorsed by

Peter Lavalley
Executive Director

Enclosure: October 12, 2015, Mike Hartzell complaint return letter

cc: David Zarate



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October 12, 2015

Sent electronically to "Mikehartzell@hotmail.com"

Subject: Complaint filed against David Zarate, PDC Case No. 15-76

Dear Mr. Hartzell:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 4, 2015, alleging that David Zarate, a candidate seeking the office of City Council for the City of Fife, Position No. 1 in 2015, may have violated PDC laws and rules.

Specifically, you alleged that Mr. Zarate violated RCW 42.17A.205 by failing to file a Candidate Registration (C-1 report); and RCW 42.17A.235 and .240 by failing to file reports disclosing contribution and expenditure activities. As part of your complaint you provided three newspaper advertisements that appeared in the Fife Free Press (FFP) and promoted Mr. Zarate's candidacy that that you estimated cost \$3,300, and which you alleged failed to contain the proper sponsor identification as required in RCW 42.17A.320.

PDC staff reviewed your allegations to determine whether a formal investigation or enforcement action is warranted. As a result of staff's review, we found the following:

- The City of Fife had 3,708 registered voters as of December 8, 2014, and candidates seeking office in jurisdictions with less than 5,000 registered voters in 2015, are exempted by state law from filing campaign finance reports unless: (1) the campaign spends or plans on spending more than \$5,000; or (2) the candidate exceeds the quarterly expenditure thresholds listed in WAC 390-16-320(2).
- Mr. Zarate is a first-time candidate seeking public office in 2015.
- On September 15, 2015, he transmitted a facsimile to the PDC stating that presently he is self-funding his campaign. He stated that he has spent a total of \$1,598 on his campaign to date for political advertisements that included: (1) \$509 for campaign yard signs; (2) \$990 for newspaper advertisements in the FFP (\$330 per advertisement); and (3) \$99 for a campaign website.
- Staff spoke with a representative of FFP, who stated that Mr. Zarate had contacted him after receiving the complaint. The FFP representative stated Mr. Zarate ran more than one advertisement in the FFP so he received a "bulk rate" discount, and the total costs for the advertisements were around a \$1,000.

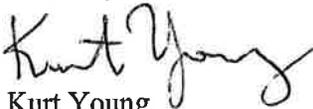
- The David Zarate newspaper advertisements you provided as part of your complaint failed to contain the required sponsor identification language and merely stated "Paid Advertisement."

Based on these findings, I have determined that David Zarate is not required to register as a candidate with the PDC and file campaign finance reports. Concerning the lack of sponsor identification on political advertisements undertaken by the campaign, PDC practice is to issue a warning letter for first-time violations of sponsor identification requirements.

Staff will be sending a warning letter to Mr. Zarate reminding him that failing to include the proper sponsor identification on future political advertisements could result in enforcement action. For these reasons, the PDC has closed the matter, and will not be conducting a more formal investigation into your complaint.

If you have questions, please contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,



Kurt Young
PDC Compliance Officer

Endorsed by:



Evelyn Lopez
Executive Director

cc: David Zarate