



State of Washington

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

April 5, 2018

Delivered electronically to Mark Lamb at "mark@northcreeklaw.com"

Subject: Jinyoung Englund Complaint Return Cover Letter, PDC Cases 18732 & 18738

Ms. Englund:

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

As noted below in the electronic letter to Mr. Bond, 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.

Sincerely,

/s _____
Kurt Young
Compliance Officer

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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April 5, 2018

Delivered electronically to Alex Bond at "alexjbond@gmail.com"

Subject: Complaints filed against Jinyoung Englund, PDC Cases 18732 & 18738

Dear Mr. Bond:

The Public Disclosure Commission (PDC) has completed its review of the two complaints you filed in May of 2017. Your complaints alleged that Jinyoung Englund, a candidate for State Senator in the 45th Legislative District in 2017, may have violated: (1) RCW 42.17A.205 by failing to timely file a Candidate Registration (C-1 report) within two weeks of declaring her candidacy; and (2) RCW 42.17A.320 by failing to include the proper sponsor identification on a political advertisement sponsored by her Campaign.

PDC staff reviewed the allegations listed in the two complaints you filed, including the Jinyoung Englund Campaign flyer and two mp3 recordings that you attached, the Monetary Contribution reports (C-3 reports) and Summary Campaign Full Contributions and Expenditures report (C-4 report) filed by the Friends of Jinyoung Englund, and the response submitted by Mark Lamb, an attorney with the North Creek Law Firm representing Ms. Englund. As a result of our review, staff found the following:

- On April 11, 2017, Jinyoung Englund filed a C-1 report declaring her candidacy for State Senator in the 45th in 2017, and selecting the Full Reporting Option. Ms. Englund was a first-time candidate for public office.
- On April 12, 2017, the Friends of Jinyoung Englund filed the initial C-4 report disclosing \$2,577 for in-kind contributions received by the Campaign which included: (1) a \$10.95 in-kind loan/contribution from Ms. Englund received on April 6, 2017 for webhosting on Site5; (2) a \$500 in-kind contribution received from Nelson Yong on April 7, 2017, for Campaign logo design; and (3) a \$1,000 in-kind contribution received from Hun Kim on April 9, 2017, for Campaign photography services.

Failure to timely file C-1 report:

- Along with your complaint, you provided two mp3 recordings that you stated were of portions of a March 23, 2017, meeting of the 45th Legislative District Republican Party. Mr. Lamb stated in the response letter that the C-1 allegation in the complaint was "based solely on unauthenticated audio recordings of unknown origin and legality."

- Mr. Lamb stated the recordings did not contain any “comments from Ms. Englund about her intentions to announce her candidacy, and failed to provide any evidence of a violation. He stated Ms. Englund timely filed as a candidate as required by law.

Failure to include sponsor identification on political advertisements:

- Mr. Lamb stated while the complaint alleged Ms. Englund distributed political advertising in violation of WAC 390-18-010, the allegation was “unfounded because the materials were clearly designed for (and distributed to) Precinct Committee Officers (“PCOs”) in the 45th Legislative District” as an internal political communication.” He cited WAC 390-18-030 (5) which states in part: "Political advertising that is internal political communications to members is not required to separately include the disclosures in RCW 42.17A.320 where the sponsor's name is otherwise apparent on the face of the communication."
- Mr. Lamb stated Ms. Englund’s name is clearly part of the Campaign logo which is visible at the top of the political advertisement, and that the communication was targeted to Republican PCOs in the 45th Legislative District. He stated internal political communications to PCO’s of a county or legislative district party organization were not mass communications and as a result, did not meet the definition of political advertising requiring sponsor identification.

Staff found no evidence supporting the allegation that Jinyoung Englund failed to timely file her C-1 report. Staff could not identify the individuals speaking on the mp3 recordings, and concurred with Mr. Lamb’s assertion that the recordings could not be authenticated. There was no evidence of (1) a contractual reporting obligation for the rental of a Campaign headquarters based on the recording or the C-4 reports; or (2) a public announcement of Ms. Englund’s candidacy at the meeting.

Concerning the allegation that Jinyoung Englund failed to include sponsor identification on a political advertisement sponsored by her Campaign, the advertisement constituted an internal political communication. 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.

Sincerely,

Endorsed by,

/s _____
Kurt Young, Compliance Officer

/s _____
Barbara Sandahl, Deputy Director
For Peter Lavalley, Executive Director

cc: Mark Lamb, legal counsel for Jinyoung Englund