

FW: PDC - City of Kent - Alleged violation of RCW 43.17A.555, .575 by producing a KentTV public service video featuring a candidate for city council

Brubaker, Tom reported 3 days ago (Tue, 7 Mar at 6:57 PM) via Email

To: "pdc@pdc wa gov" <pdc@pdc.wa.gov>

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To the PDC and Ms. Evelyn Lopez—

I have received Mr. Glen Morgan's complaint, attached above, and am responding for the City of Kent. The gravamen of this complaint, that council member Ralph participated in a "public service announcement" within prohibited timelines, appears to miss the point.

First, the "Calling Kent Home" series is part of 13 video series that began 5 years ago when the city first interviewed local artist, Danny Pierce. Six of those thirteen interviews were with local residents, and the remainder were conducted with the city's elected officials—each council member (excluding council member Deborah Ranniger, who was dealing with family medical issues at the time) and Kent's Mayor, Suzette Cooke. These video segments, which allowed local residents to talk about why they enjoy living in Kent, ran from as short as five minutes to as long as more than thirteen minutes. Council member Ralph's ran for a little over five minutes. None addressed any election or campaign issues, but in an abundance of caution, the city stopped airing the elected officials' segments in May, 2015, well ahead of the election season.

More importantly, though, I do not think these segments meet the definition of a "public service announcement" established in WAC 390-05-525. Although this definition is capable of broad interpretation, some clarity is given under the examples provided in subsection two of this regulation:

Examples of public service announcements include but are not limited to communications regarding nonprofit community events, outreach or awareness activities such as: Breast cancer screening, heart disease, domestic violence, organ donation, emergency or other disaster relief for organizations such as the Red Cross, programs designed to encourage reading by school children, childhood safety, fund drives for charitable programs such as United Way, and similar matters.

WAC 390-05-525(2).

A similar review of definitions or descriptions of "PSAs" on the internet leads one to spots for "McGruff on Crime," "Smokey the Bear," "Larry and Vince the car crash dummies," "This is your brain; this is your brain on drugs," etc. PSAs are usually short, typically aired on private radio or TV networks as a public service, and are aimed to dissuade viewers from participating in or refraining from behaviors that lead to public and personal harm.

"Calling Kent Home" does not fit this category. The series simply provides personal reminiscences and perspectives on growing up and living in Kent. These are not PSAs.

I regret to say that I have a minor knee surgery scheduled early tomorrow morning that will keep me out the rest of this week. If you need a more detailed response from the city, I ask that you provide me an additional week to provide the Commission with more detail.

Regards, --Tom Brubaker

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