



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH
RCW 42.17 and RCW 42.17A

2016 Dick Muri Campaign

Respondent.

PDC Case 9503

Report of Investigation

I.

Background and Allegations

- 1.1 On April 30, 2015 Richard “Dick” Muri filed a Candidate Registration (C-1 report) declaring his candidacy for State Representative from the 28th Legislative District, listing his political party preference as “Republican” and selecting the Full Reporting Option.
- 1.2 Representative Muri is a two-term incumbent State Representative, and prior to that he served two-terms as a Pierce County Councilmember.
- 1.3 On November 3, 2016, Mina Mercer with the House Democratic Campaign Committee filed a complaint with the Public Disclosure Commission (PDC) concerning the 2016 Voters for Dick Muri Campaign. The complaint alleged that Mr. Muri failed to include his political party preference on political advertising in the form of a mailer sponsored by his Campaign, in violation of RCW 42.17A.320. **Exhibit #1.**

II.

Findings

- 2.1 RCW 42.17A.320, states in part that “For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in... political advertising.”
- 2.2 On July 13, 2016, Mina Mercer filed a complaint with the PDC alleging violations of RCW 42.17A by State Representative Dick Muri, and Michael Winkler, a candidate seeking the office of State Representative in the 28th Legislative District in 2016. The complaint alleged that Representative Muri and Mr. Winkler violated RCW 42.17A.320 by failing to include the party preference of either candidate on a joint mailer that was co-sponsored by both Campaigns.

- 2.3 On July 19, 2016, PDC staff sent a party preference “Warning Letter” to Representative Muri stating that “In accordance with WAC 390-37-060(1)(b), this is a Formal Written Warning to include party preference in all advertising. If there are future violations of PDC laws or rules, the Commission will consider this Formal Written Warning in deciding on further Commission action.” **Exhibit #2.**
- 2.4 On November 3, 2016, Ms. Mercer filed her second of the 2016 election against Representative Muri concerning the failure to the party preference on another political advertisement. The complaint provided a copy of a four-page political advertisement sponsored by the Dick Muri Campaign, that provided at least five instances of Representatives Muri’s name being mentioned, but none of which contained the word Republican or listed the (R) as the party preference designation as required in RCW 42.17A.320(1) for a partisan race.
- 2.5 On November 14, 2016, the Dick Muri Campaign submitted an email response to the complaint. **Exhibit #3.** In the response email, the Campaign stated the following:
- “We do not wish to contest this violation because the mistake was ours and we accept full responsibility.” Our firm recently contracted a new designer that mistakenly left the logo off the mailer, which includes party affiliation. We should have discovered the error during the proofing process, but unfortunately missed the mistake prior to shipping.”*
- 2.6 WAC 390-37-143 was adopted by the Commission and is entitled “Brief Enforcement hearings – Penalty schedule.” The Penalty schedule which took effect February 4, 2017, states that the Presiding Officer may assess a \$150 civil penalty against a Respondent for failing to include the candidate’s party preference in a political advertisement.

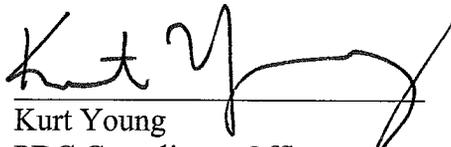
III. **Scope**

- 3.1 During the course of this investigation staff reviewed:
- The November 7, 2016, a second complaint filed by Mina Mercer against Dick Muri.
 - The November 7, 2016, response from the Dick Muri Campaign.
 - The July 12, 2016, initial complaint filed by Mina regarding Dick Muri.
 - The July 19, 2016, PDC warning letter sent to the Dick Muri Campaign concerning failure to include the party preference.
 - The July 12, 2016, response email from the Dick Muri Campaign to the complaint.

IV.
Statute and Rule

- 4.1 **RCW 42.17A.320(1)** requires that “For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

Respectfully submitted this 10th day of May, 2017.


Kurt Young
PDC Compliance Officer

List of Exhibits

- Exhibit #1** November 3, 2016, complaint filed by Mina Mercer against the 2016 Voters for Dick Muri Campaign.
- Exhibit #2** July 19, 2016, PDC staff sent put a party preference “Warning Letter” to Representative Muri.
- Exhibit #3** July 18 and November 14, 2016, responses from the Dick Muri Campaign to the two complaints.

File a Formal Complaint - Mina Mercer

Mina Mercer reported 4 days ago (Thu, 3 Nov at 10:18 AM) via Portal Meta

Mr. Phil Stutzman
Public Disclosure Commission
711 Capitol Way #206
PO Box 40908
Olympia, WA 98504-0908

Re: Mail piece by Dick Muri, candidate for State Representative in the 28th District.

Dear Mr. Stutzman:

Please accept this letter as a formal complaint to the Public Disclosure Commission regarding a mail piece produced and mailed to voters by Representative Dick Muri, candidate for State Representative in the 28th District, Position 1.

The attached mailer, which began arriving in mailboxes on November 3rd, 2016, does not state a Party affiliation for Mr. Muri, and thus does not comply with the General Requirements section of the Public Disclosure Commission's handout titled *Political Advertising*, which requires:

Party preference must be included in any form of advertising about a candidate seeking election to a partisan office, regardless of who sponsors the ad.

Furthermore, Mr. Muri's mailer does not comply with RCW 42.17A.320 which states:

For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

Mr. Muri has a track record of not complying with this law. In the 2016 Primary he sent mail to voters in July that also did not state his Party preference. At that time the PDC worked with Mr. Muri and "Resolved (the case) with Written Warning." The letter to Mr. Muri states that, "If there are future violations of PDC laws or rules, the Commission will consider this Formal Written Warning in deciding on further Commission action." The PDC's letter to Mr. Muri can be found here: https://www.pdc.wa.gov/sites/default/files/compliance_case_files/6560%20Muri%20Warning.pdf.

I respectfully request that an investigation into this unlawful mailer be launched immediately, and that Mr. Muri be disciplined for his failure to comply with campaign finance regulations.

Respectfully,

Mina H. Mercer
Deputy Director
House Democratic Campaign Committee
O: 206-381-1220 | C: 206-661-0281 | F: 206-381-1235
Email: mina@hdcc.org | Web: www.hdcc.org
Mail: 4130 1st Avenue South, Suite D, Seattle, WA 98134

4 Attachments

JPG	Mailer 4.JPG (1.56 MB)	JPG	Mailer 3.JPG (1.8 MB)	JPG	Mailer 2.JPG (1.47 MB)
JPG	Mailer 1.JPG (1.86 MB)				

PDC Exhibit # 1
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State Representative Dick Muri

Washington State – 28th Legislative District 2016 Legislative Review

Dear Friends and Neighbors,

The last legislative session was a productive one, and there were a number of accomplishments. One in particular is the strongly supported bipartisan operating, capital and transportation budget approved for 2015-2017. However, it was most encouraging that so many of my colleagues, on both sides of the aisle, worked together to approve a plan that will provide significant reforms for education funding, strengthen our mental health care system, and improve our transportation system.

Since 2012 we have added 36 percent (\$4.7 billion) to K-12 education funding. This responsible policy-making resulted in a commitment to reduce K-3 class sizes, addressing teacher shortages, expanding full-day kindergarten, saving public charter schools, fully funding teacher COLAs, and providing for a significant increase for materials, supplies and operating costs. We also lowered tuition at our public colleges and universities and made large investments in early learning. It was good to see this kind of measurable progress being made, but there is much work to be done in 2017.

As your state legislator, it is my job to be fiscally responsible with your tax dollars. I am glad to tell you all of this was accomplished without raising taxes. This is good news for all Washingtonians.

While the Legislature only meets a few months a year, I am your state representative year-round. Feel free to contact my office with any questions, concerns, or comments about the Legislature or our state government.

Please remember, the vote is in November, and I look forward to serving you for another two years. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Dick Muri".

Dick Muri
State Representative – 28th Legislative District

P.S. The 28th District Includes: University Place, Steilacoom, DuPont, Fircrest, Spanaway, Graham, Lakewood, Joint Base Lewis-McChord, McNeil Island, Anderson Island, Ketrion Island, and West Tacoma.

Featured Endorsements



Washington State Council of
Firefighter.
www.wscff.org



League of Education
Voters
educationvoters.org

LEAGUE OF
EDUCATION
VOTERS



Public School Employees of
Washington
pseclassified.org



United
Transportation
Union
wslb.us

THE NEWS
TRIBUNE

The Tacoma News
Tribune

[thenewstribune.com]



Stand for Children
stand.org/washington



Washington State
Washington Council of
Police and Sheriffs
www.wacops.org



Washington Council of
Police and Sheriffs
www.wacops.org

WASHINGTON
COUNCIL
OF
POLICE &
SHERIFFS

Why the 2016 Legislative Session was such a success

Many of the decisions we make during the session have statewide impact, and none were bigger this year than the public education issues we tackled.

In the 2012 McCleary case, the state Supreme Court reaffirmed the state's obligation to provide every child with a high-quality education. Since the ruling, lawmakers have increased school funding significantly. More than 47.5 percent of the budget is now dedicated to funding education. As a state legislator and father of two school teachers I am encouraged by these investments in our education.

Much of the new spending addresses increases in student enrollment and materials, supplies and operating costs. It also funds smaller K-3 class sizes and cost of living adjustments for teachers and other school employees.

Our state Supreme Court also struck down the 2012 voter-approved initiative that created the charter school system. The ruling was not about whether charter schools are good for students, it simply focused on whether they are eligible for public funding.

I voted "yes" to Senate Bill 6194, a law that reestablishes the Washington State Charter School Commission and keeps these schools open. Funding will be provided through the Opportunity Pathways account – a constitutionally unrestricted source of lottery revenue.

Improvements for the 28th District include:

Statewide issues make most of the headlines, but as legislators we also keep focus on the concerns of the districts we represent.

I-5, Mounts Road (exit 116) to Thorne Lane (exit 123) – Corridor Improvements

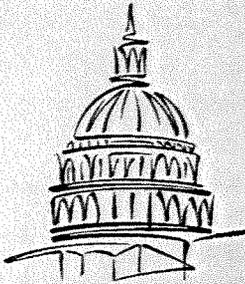
- Rebuild Thorne Lane interchange (exit 123)
- Rebuild Berkeley Street interchange (exit 122)
- Add on lane in both directions of I-5 between Thorne Lane and DuPont-Steilacoom Road
- Build local road connection between Gravelly Lake Drive and Thorne Lane

All improvements are scheduled for completion by 2024.

Funding for Local Projects

- \$450,000 – Child Study and Treatment Center
- \$500,000 – Emergency Management Division (EMDx) UPS replacement
- \$1.95 million – Minor Works Program Projects: Western State Hospital
- \$1.4 million – Western State Hospital improvements
- \$257,000 – Fort Steilacoom parking improvements
- \$1.5 million – Pierce County Health Home

STANDARD
US POSTAGE
PAID
TACOMA WA
PERMIT #397

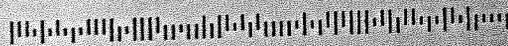


Washington State | 28th Legislative District

State Representative Dick Muri

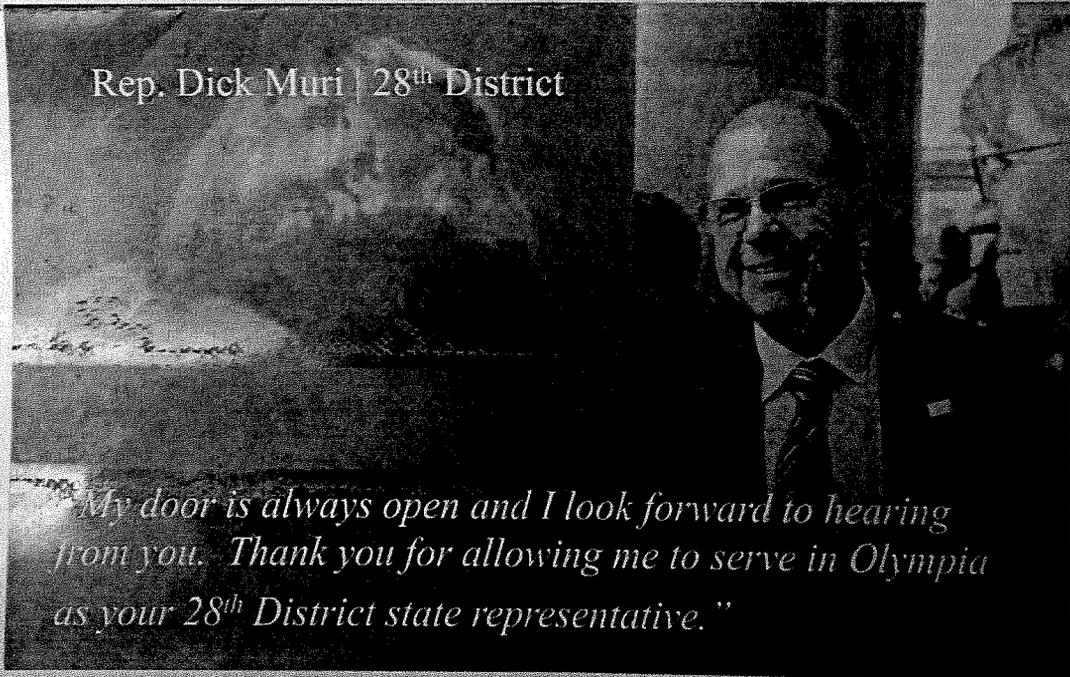
2016 Legislative Session Review
(Not paid for with taxpayer dollars)

David Prenovost
or Resident
PO Box 65961
Tacoma WA 98464-0059



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Voters for Dick Muri | P.O. Box 1581 – Tacoma, WA 98401 – (253) 439-9797

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PUBLIC DISCLOSURE COMMISSION

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July 19, 2016

Mr. Richard Muri
PO Box 1581
Tacoma WA 98401

And sent via email: dick@dickmuri.com

Subject: Complaint filed by Mina Mercer, PDC Case 6560
Formal Written Warning

Dear Mr. Muri:

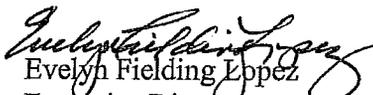
Enclosed is a copy of a letter sent to Mina Mercer concerning a complaint she filed with the Public Disclosure Commission on July 13, 2016. The complaint alleged that your campaign may have violated RCW 42.17A.320 by failing to include party preference on a joint mailer with the Michael Winkler campaign.

As noted in the letter to Ms. Mercer, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action.

Your campaign's mailer does not include party preference which appears to constitute a violation of RCW 42.17A.320. In accordance with WAC 390-37-060(1)(b), this is a Formal Written Warning to include party preference in all advertising. If there are future violations of PDC laws or rules, the Commission will consider this Formal Written Warning in deciding on further Commission action.

If you have questions, you may respond to the email to which this letter is attached, or contact Jacob Berkey at 360-586-4555 or Jacob.Berkey@pdcc.wa.gov.

Sincerely,


Evelyn Fielding Lopez
Executive Director

Enclosure: Letter to Mina Mercer

11/17/2016

[#9724] Re: PDC - Muri, Richard - Alleged violation of RCW 42.17A.320 : Help and Support

Re: PDC - Muri, Richard - Alleged violation of RCW 42.17A.320

Jason M. reported 3 days ago (Mon, 14 Nov at 6:44 PM) via Email
To: pdc@pdc.wa.gov

Jacob,

This email is in response to the violation of RCW 42.17A.320, alleging that the party preference was not included in a recent mailer sent out by Representative Muri's campaign staff.

We do not wish to contest this violation because the mistake was ours and we accept full responsibility. Our firm recently contracted a new designer that mistakenly left the logo off the mailer, which includes party affiliation. We should have discovered the error during the proofing process, but unfortunately missed the mistake prior to shipping.

We sincerely apologize and are willing to do whatever it takes to rectify the situation. Thank you for bringing the error to our attention and we are installing new safeguards to assure this does not happen again.

Sincerely,

Jason Michaud
Treasurer
253-381-0550

From: **PDC Support** <pdc@pdc.wa.gov>
Date: Mon, Nov 7, 2016 at 8:47 AM
Subject: Re: PDC - Muri, Richard - Alleged violation of RCW 42.17A.320
To: dick@dickmuri.com

Representative Muri,

The PDC received the attached complaint last Thursday. The complaint alleges that your campaign sent out a mailer that did not include party preference in violation of RCW 42.17A.320.

Please provide a written response to the allegations in the complaint by November 14, 2016.

To respond, please reply to this email.

Washington Public Disclosure Commission
<http://www.pdc.wa.gov>
1.360.753.1111

Jacob Berkey
Public Disclosure Commission

On Mon, 7 Nov at 8:40 AM , Dick <dick@dickmuri.com> wrote:

The complaint alleges that Richard Muri, candidate for House in the 28th LD, failed to include party preference on campaign mailers in violation of RCW 42.17A.320.

Written Response for the PDC

Winkler Family reported 4 months ago (Mon, 18 Jul at 7:03 PM) via Email

To: "PDC Support" <pdcc@pdc.wa.gov>

Cc: dick@dickmuri.com, alex.hays@abhays.com, conner.edwards@abhays.com

Written Response to the PDC, Winkler/Muri Complaint

Mr. Berkey –

Please see the following response from our consultant.

As always, please don't hesitate to contact either one of us!

Dick Muri & Mike Winkler

To Whom It May Concern –

We are writing to formally respond to complaint # 6594 that was filed against the Dick Muri and Mike Winkler campaigns for state House. The complaint alleged that the campaigns failed to include party preference on the mailers.

Upon reviewing the complaint, we see that the party preference was in fact not included on the mailers, as mailed.

In the past, we relied on our printer, PRINTNW, to include the compliance statement (paid for by ... R) in the mailpane, because the address of the committee doubled as the return address for the piece.

Apparently, they are not doing that for us automatically anymore, so the onus is now on us to make sure that this happens.

We should have caught this during the final proofing stages, but failed to do so. In the past, they have not always included this information on the final proof we see, but have always included it on the final version that is mailed.

For the record, we fixed our mistake *before we knew about the complaint* after the first mailer and included party preference and "paid for by" on the subsequent Muri/Winkler mailer that went out.

Since the second mailing (with the party being clearly identified) was targeted to the exact same group of voters (plus some additional voters), all of the voters will see Dick Muri and Mike Winkler identified as Republicans.

Ultimately, the fault for this omission lays on us. We apologize, and will make sure that it does not happen again. Thank you for bringing this issue to our attention.

Please don't hesitate to contact us if you have any additional questions.

Best,

AB Hays, LLC

Point of Contact: Conner Edwards @ (425) 533-1677

PDC Exhibit # 3
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