



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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January 25, 2017

Sent electronically to Glen Morgan "glenmorgan89@gmail.com"

Subject: October 27, 2016 Complaint filed against Andrew Biviano, PDC Case 9345

Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 27, 2016. Your complaint alleged that Andrew Biviano, a candidate for Spokane County Commissioner in 2016, violated: (1) RCW 42.17A.205 by failing to timely file a Candidate Registration (C-1 report) within two weeks of declaring his candidacy for election in 2016; (2) RCW 42.17A.235 by failing to disclose an in-kind contributions or expenditures for professional services; and (3) RCW 42.17A.320 by failing to include the party preference and sponsor identification on political advertisements sponsored by his campaign.

PDC staff reviewed your allegations in light of PDC laws and rules in order to determine whether a formal investigation or enforcement action is warranted. Staff reviewed your complaint, the Candidate Registration (C-1 report) and Summary Full Campaign Contributions and Expenditures report (C-4 reports) filed by the Andrew Biviano Campaign, the PDC contribution and expenditure database, and email and telephone exchanges between the Andrew Biviano Campaign and PDC staff. Based on staff's review, we found that:

- On May 6, Andrew Biviano filed a Candidate Registration (C-1 report) declaring his candidacy for Spokane County Commissioner in 2016, selecting the Full Reporting Option, and listing Amy Biviano, as Campaign Treasurer, and stating "N/A" for Position No.
- On June 3, 2016, Mr. Biviano filed an amended C-1 report, amending the initial information to include Position No. 2. Mr. Biviano previously sought the office of Spokane Valley City Councilmember in 2002, selecting the Mini Reporting Option but he was not successful.
- Mr. Biviano stated that he publicly announced his candidacy for Spokane County Commissioner at the Spokane County Democratic Convention on May 1, 2016, and he timely filed his C-1 report on May 6, 2016, which was "within the two-week requirement set forth by law." The complainant provided documentation that the Campaign purchased the domain registration on May 5, 2016.

- PDC staff confirmed that Mr. Biviano filed his initial C-1 report electronically on May 6, 2016, and his Personal Financial Affairs Statement (F-1 report) electronically on May 9, 2016. Both reports were timely filed within one and three days of the purchase of the domain registration, which is the initial campaign activity that triggered the C-1 report filing requirement.

Concerning the allegations of failing to disclose the costs for the Campaign website and the “introductory video” that aired on the Campaign website, and orders placed for the printing of slim jims, Mr. Biviano stated the following:

- “All videos and photos for the campaign were produced and edited by Hamilton Studio and the owners of the studio, Don Hamilton and Lorna St. John.” He stated that the Campaign timely disclosed those activities on the May 2016 C-4 report listing in-kind contributions from Mr. Hamilton and Ms. St. John.
- Staff confirmed that the Campaign timely filed the May 2016 C-4 report on June 6, 2016, disclosing the following: (1) two \$1,000 in-kind contributions received on May 10, 2016, from Mr. Hamilton and Ms. St. John and listing the description as campaign photographs and editing work; and (2) two expenditures made on May 10, 2016 that included a \$73 expenditure to Go Daddy for website hosting, and a \$200 expenditure to Fire Dove Technology for website design.
- The Campaign printed three different slim jims, two with Lawton Printing for the 1<sup>st</sup> and 3<sup>rd</sup> slim jims, and the second print job was done by Fed Ex Kinko’s. He stated the first order was placed by the Campaign with Lawton Printing on May 20, 2016, and that order was picked up and paid for on May 24, 2016. The second slim jim print job was done by Fed Ex Kinko’s who printed a different slim jim for the Campaign, and the slim jims were ordered, paid and picked up on the same day, which was July 8, 2016.
- The last slim jim print job was printed by Lawton Printing, and included a couple of changes from the initial print job. Mr. Biviano stated that he did not recall the exact order date, but that the Campaign did not place the print order that far in advance, as was suggested in the complaint. He stated that the slim jims were ordered when the Campaign needed them, and they were picked up and paid for a few days later.
- Lawton Printing’s policy is to do same day invoicing and delivery, and requiring payment COD, and that July 29, 2016 is the date of both the invoice and the Campaign’s payment, as listed on our PDC filing. Mr. Biviano stated the Campaign used the slim jims printed by Lawton for the remainder of the 2016 election.

Concerning the allegation of failing to include sponsor identification and party preference on political advertisements, Mr. Biviano stated the following:

- That the campaign website initially contained the sponsor’s name and address, although it was not as prominently displayed as possible. The Campaign updated the website so that the sponsor name and address is on the bottom of every page.

- The introductory video Mr. Morgan refers to appears exclusively on the campaign website, rather than being on television, and is thus not subject to the television sponsor identification requirements. He stated that the video in question, does, in fact, include party affiliation in the first sentence of the video, and the Campaign website on which the video appeared contained all the required disclosures.

Staff's review of your complaint found that Andrew Biviano timely filed the C-1 report on May 6, 2016, which was filed within the two week required filing period. No evidence was found that the Campaign failed to timely disclose the costs for the Campaign website and the "introductory video" that aired on the Campaign website, or that the Campaign failed to include the sponsor identification or party preference on the campaign website and the video which played exclusively there.

It was not possible to ascertain the exact order date for the slim jims, but the cut-off date for disclosing the activity as an order-placed on the 7-day pre-primary C-4 report was July 25, 2016. The order date could have been July 26 or 27<sup>th</sup>, since it was essentially a re-order with Lawton Printing of the May slim jim with minor changes.

Nonetheless, PDC staff is reminding Mr. Biviano, and his spouse as Treasurer and also a former candidate, that one of the purposes of campaign disclosure reporting is to show how the campaign dollars are spent. The C-4 reports would be incomplete without including those debts the campaign is obligated to pay, but for whatever reason, has not yet paid. Orders placed, debts and obligations are disclosed in Part 3 of Schedule B to C-4 report for: (1) each order placed but not paid of over \$250; and (2) any other debt that is over \$50 and has been outstanding for more than 30 days.

For these reasons, the PDC will not be conducting a more formal investigation into your complaint against Andrew Biviano or pursuing enforcement action in this case. Thank you for bringing this matter to our attention.

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](mailto:kurt.young@pdc.wa.gov).

Sincerely,

  
Kurt Young  
PDC Compliance Officer

Endorsed by:

  
Evelyn Fielding Lopez  
Executive Director

cc: Andrew Biviano

Dear Mr. [Name],  
I have your letter of the 12th inst. regarding the [subject].  
I am sorry that I cannot give you a more definite answer at this time.  
The matter is still under consideration.

I have discussed this with the [relevant department] and we are  
hoping to reach a decision by the end of the month. I will  
contact you again as soon as the final decision has been reached.

I am sure you will understand the need for thoroughness in this  
process. We will be in touch with you again.

I am very sorry for any inconvenience this may cause you.  
Thank you for your patience and understanding.

Sincerely,  
[Name]

[Name]  
[Title]

[Signature]

[Signature]