



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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

August 15, 2017

Sent electronically to Mark Lindquist at "treasurer@marklindquist.org"

Mark Lindquist, Pierce County Prosecutor
Tacoma, WA

Subject: PDC Case 8467

Dear Mr. Lindquist:

Enclosed is a copy of a letter sent to Carolyn Merrival concerning a complaint she filed with the Public Disclosure Commission (PDC) on September 19, 2016. The complaint alleged that the 2018 Friends of Mark Lindquist Campaign (Campaign), violated RCW 42.17A.235 and RCW 42.17A.240 by failing to disclose in-kind contribution and expenditure activities concerning several fundraising events conducted by your campaign.

As noted in the letter to Ms. Merrival, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter. However, our review of the complaint and PDC reports filed by your Campaign found that your 2014 Campaign failed to timely report in-kind contributions for the performance by The Beatniks at a 2014 fundraising event.

While the information was disclosed on an amended C-4 report filed by your Campaign on October 13, 2016, as four \$800 in-kind contributions from each individual band member of The Beatniks, that information was required to have been disclosed on May 10, 2014, and was disclosed more than two years late.

Pursuant to WAC 390-37-060(1)(b), this letter serves as a formal written warning. Staff is reminding you about the importance of timely disclosure of contribution and expenditure information, including for fundraising events and the associated in-kind contributions received, for the remainder of the 2018 election cycle. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Mark Lindquist: PDC Written Warning Letter
Complaint filed against Mark Lindquist
PDC Case 8467
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If you have questions, you may contact PDC staff member Kurt Young at 360-664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,



Peter Lavalley
Executive Director

Enclosure: Letter to Carolyn Merrival





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August 15, 2017

Sent electronically to Carolyn Merrival "lakotalegends@comcast.net"

Subject: Complaint filed against Mark Lindquist: PDC Case 8467

Ms. Merrival:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 19, 2016. Your complaint alleged that Mark Lindquist, a candidate seeking re-election to the office of Pierce County Prosecuting Attorney in 2018, violated RCW 42.17A.235 and RCW 42.17A.240 by failing to disclose in-kind contributions received and expenditures made concerning several fundraising events conducted by his campaign.

Specifically, you alleged that the Friends of Mark Lindquist Campaign (Campaign) conducted fundraising events for the 2018 election, as well as the 2014 and 2010 elections, in which they failed to disclose in-kind contributions received or Campaign expenditures, as well as disclosing the value for articles that appeared in the Tacoma Weekly that were favorable to the Campaign.

PDC staff reviewed your complaint, the PDC contribution and expenditure database for the Campaign, the Summary Full Campaign Contribution and Expenditure reports (C-4 reports) and Monetary Contribution Reports (C-3 report) filed by the Campaign, and the October 25, 2016, response from Bryce Nelson, Campaign Treasurer. For your information, the allegation concerning the 2010 Campaign kickoff event was beyond the five-year statute of limitations, and was not reviewed or investigated by PDC staff. Based on staff's review, we found the following:

- On May 26, 2015, Mark Lindquist filed a Candidate Registration (C-1 report) declaring his candidacy for re-election to the office of Pierce County Prosecuting Attorney in 2018, and selecting the Full Reporting option. Mr. Lindquist was first elected Pierce County Prosecutor in 2010, and re-elected to that office in 2014.
- The articles that appeared in the Tacoma Weekly were not required to be reported by the Campaign as in-kind contribution, since those types of communications are not defined by the PDC as contributions in accordance with RCW 42.17A.005(13)(b).
- Mr. Nelson stated that the venue selected by the Campaign for the 2016 event was a public access park that "does not charge a fee for community events." Since there was no charge, Mr. Nelson stated there was nothing of value to disclose.

- The Campaign disclosed the following in-kind contributions and expenditures related to the August 2016 event: (1) Mark Lindquist: \$2,017 for in-kind contributions received on August 1, 2016 for Misc. Event Costs; (2) Aurora Rents: \$1,102 expenditure made on July 27, 2016 for the rental of a canopy, tables and chairs for the event; (3) MC Construction: \$1,000 in-kind contribution received on August 1, 2016, for food and drink; (3) Northwest Stage: \$1,000 in-kind contribution received on August 1, 2016 for event setup; and (4) Patrick Furman: A \$700 in-kind contribution received on August 1, 2016 for “Beer and Wine.”
- The Campaign filed an amended C-4 report breaking down the \$2,107 for in-kind contributions received from Mr. Lindquist for the August 1, 2016 fundraiser, that included a \$1,675 in-kind contribution for the rental of a stage for the performance; \$281 in-kind contribution to Costco for water, bags, cups, and miscellaneous fundraising items; and \$150 for event promotion.
- The Beatniks are a local band that have performed at several Mark Lindquist campaign events, and the Campaign timely disclosed in-kind contributions for The Beatniks performances in 2016 and 2010, as in-kind contributions from each individual band member.
- The Campaign initially failed to disclose the 2014 performance by The Beatniks, but the Campaign filed an amended C-4 report on October 13, 2016 disclosing four \$800 in-kind contributions from each individual band member. The information was required to have been disclosed on May 10, 2014, and was disclosed more than two years late.
- Peter Buck is a friend of Mr. Lindquist and a retired member of the band R.E.M. Mr. Buck plays guitar with friends and other bands “for fun” at a variety of different events, but Mr. Buck does not charge for playing along on some songs at those events. Mr. Buck played along with The Beatniks for some of the songs at the fundraiser, which also included Mr. Lindquist joining everyone on stage for a few songs, but he did not perform a concert. Thus, there was nothing for the Campaign to report and no in-kind contribution received from Mr. Buck.
- Molly Ringwald is an actress, and a friend of Mr. Lindquist, and she sang the Star-Spangled Banner at a campaign event. He stated that she has been known to join bands on stage and sing along on a song of or two. He stated that like “Peter Buck, she does not charge for this and thus there was nothing to report as in-kind contribution.”
- In July of 2015, the Campaign held a fundraising event at King’s Books in Tacoma, and Mr. Nelson noted that the owner of King’s Books informed the complainant that “we generally don’t charge for the use of our space.” Mr. Nelson stated there was no in-kind contribution received by the Campaign from King’s Books since “no value was received by the campaign for use of the space.” He stated that the Campaign had several events at King’s Books over the years, and this issue had not been addressed or raised before. He stated that the Campaign’s various auctions and proceeds from those events were disclosed on the C-3 and C-4 report forms rather than the PDC Auction form AU as noted in the complaint.

- Mr. Nelson stated that the Landmark Convention Center charged a fee for the use of the Temple Theater for the 2014 Campaign kickoff. He stated the Campaign timely paid and disclosed making that expenditure to the Landmark Convention Center on a C-4 report filed in 2014, and that there was no in-kind contribution to be reported. He added the Landmark Convention Center operated a no-host bar at the 2014 event in which attendees paid for their beverages directly, and not through the Campaign.
- Mr. Nelson stated that the Landmark Convention Center did not donate any food or beverages to the Campaign as an in-kind contribution. He noted that some food and beverages were purchased by the Campaign and provided to the campaign workers, volunteers, and performers before, during, and after the event, but not for any of the contributors or attendees.

Staff discovered a few minor reporting issues that were not listed in your complaint concerning the C-1 report and the initial C-4 reports filed by the Campaign for the first five months of 2015. The Campaign filed the C-1 report for the 2018 election on May 26, 2015, but on June 28, 2015, the Campaign filed five C-4 reports covering the period January 1 through May 31, 2015. While the five C-4 reports filed by the Campaign disclosed no new contributions had been received and \$8,070 in 2014 surplus funds had been carried forward into the 2018 Campaign, the reports disclosed \$1,957 in new expenditures that included four expenditures to Constant Contact totaling \$381 for email list management, and \$214 for the Campaign Domain name registration and website costs.

The 2014 Friends of Mark Lindquist Campaign failed to timely disclose receiving in-kind contributions for the 2014 performance by The Beatniks at the fundraiser. While the information was reported late, PDC staff found no evidence of a material violation that would require conducting a more formal investigation into your complaints or pursuing enforcement action in this instance.

PDC staff is warning Mr. Lindquist about the importance of timely disclosure of contribution and expenditure information, including for fundraising events and the associated in-kind contributions received through the remainder of the 2018 election cycle. The warning letter informed Mr. Lindquist that if there are any future violations of PDC laws or rules found against him, the Commission will consider the warning in deciding on any further Commission action.

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

cc: Mark Lindquist



