



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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February 28, 2017

The Honorable Robert Ferguson  
Attorney General  
1125 Washington St SE  
PO Box 40100  
Olympia, WA 98504-0100

Re: Public Disclosure Commission Recommendation  
Larry Wasserman, Swinomish Tribal Indian Community, Strategies 360, Inc., Dennis  
McLerran, and the Environmental Protection Agency  
PDC Case 8321

Dear Attorney General Ferguson:

This letter concerns the matter that your office referred to the Public Disclosure Commission for review and possible investigation in response to several 45-day Citizen Action Complaints (Complaints) filed by James Tupper Jr. on behalf of Save Family Farming. The Complaint alleged that Respondents, Larry Wasserman, an employee of the Swinomish Tribal Indian Community (Swinomish Tribe); Strategies 360, Inc., a public affairs consulting firm; Dennis McLerran, Region 10 Administrator for the Environmental Protection Agency (EPA), and the EPA violated RCW 42.17A.640 by failing to register and report grass roots lobbying activities undertaken in support of Washington State legislation.

PDC staff reviewed the Complaint and conducted an investigate review of the allegations against Mr. Wasserman, the Swinomish Tribe, Mr. McLerran, the EPA, and Strategies 360 in the Citizen Action Letter, and prepared an Investigative Review Memorandum with Conclusions and Exhibits.

The Commission considered the results of staff's investigative review at a regular Commission meeting held on February 23, 2017, where PDC staff presented its findings which included a recommendation regarding the allegations listed in the Complaint. A copy of the Investigative Review Memorandum with Exhibits is enclosed with this letter.

**Staff Conclusion**

As noted in the attached Investigative Review Memorandum, staff concluded that based on the factors identified in staff's investigative review of the allegations described in the Complaint, enforcement action for Mr. Wasserman, Mr. McLerran, the EPA, and Strategies 360 would not be appropriate for alleged violations of RCW 42.17A.640.

Mr. McLerran and the EPA did not violate RCW 42.17A.640 because:

- The EPA provided federal funds to the Northwest Indian Fisheries Council (NWIFC) through a “cooperative agreement” and had a direct relationship with the NWIFC as the awardee of the grant. The EPA did not have the authority or ability “to direct the content of the work product of the NWIFC or a recipient of a sub-award” and the EPA had no agreement or formal relationship with any of the “sub-awardees” including the Swinomish Tribe.
- The EPA and Mr. McLerran did not award any grant money or expend any federal funds directly to the Swinomish Tribe, and neither Mr. McLerran nor the EPA directed that any of the grant funds be used for any specific purpose, including to support any lobbying or grass roots lobbying efforts in Washington state. The NWIFC, and not the EPA, was responsible for monitoring a sub award recipient's performance, ensuring compliance with the conditions of the grant and any applicable laws.

Strategies 360 did not violate RCW 42.17A.640 because:

- There was no evidence found that any grass roots lobbying activities were performed by Strategies 360, either directly (which would have required them to register as a Lobbyist), or on behalf of the Swinomish Tribe. During calendar years 2012 and 2014, Strategies 360 assisted the Swinomish Tribe in conducting survey research, and in 2015, relaunching the *whatsupstream* website, and purchasing public radio underwriting advertisements, billboard advertisements on behalf of the *whatsupstream* project, and adding a “take action” button on the website.
- Strategies 360 was merely a vendor providing services for a fee, and had no reporting obligations with the PDC.

Mr. Wasserman did not violate RCW 42.17A.640 because:

- The EPA considered the *whatsupstream* work undertaken by the Swinomish Tribe as a sub-award recipient of the grant from the NWIFC to be a “public education and outreach effort.” Mr. Wasserman’s counsel explained that the public outreach efforts undertaken by the Swinomish Tribe as part of the *whatsupstream* activities “did not take any concrete steps to promote or oppose specific legislation and therefore did not undertake grass roots lobbying.”
- The Swinomish Tribe employed a registered lobbyist, Davor Gjurasic, who engaged in direct “advocacy on actual legislative issues” who filed lobbying reports with the PDC disclosing \$409,032 in total lobbying activities during the last four years that included compensation, monetary contributions made to candidates, and other lobbying expenses. Mr. Wasserman did work and lobby legislators on House Bill 2352, but those contacts were conducted through and in coordination with Mr. Gjurasic in full compliance with the law.
- PDC staff did not find that Mr. Wasserman spent personal funds, or the funds of the Swinomish Tribe, on grass roots lobbying, and was not considered to be a sponsor of a grassroots lobbying campaign in accordance with RCW 42.17A.640.

- In addition, Mr. Wasserman was not required to register with the PDC as a political committee in support of a ballot measure since he never filed a ballot proposition, and he did not solicit or accept contributions, or make any expenditures in support of a ballot proposition.

**Commission Recommendation**

The Commission voted unanimously to accept staff's recommendation, and to recommend that no further action be taken on the Citizen Action Complaint filed against Larry Wasserman, Dennis McLerran, the EPA, and Strategies 360.

If you have questions, please contact me at (360) 664-2735. Thank you.

Sincerely,

  
Evelyn Fielding Lopez  
Executive Director

Enclosure

cc: Commissioners  
Linda A. Dalton, Sr. Assistant Attorney General  
James Tupper Jr., attorney representing Save Family Farming  
Wyatt Golding, attorney representing Larry Wasserman and Swinomish Tribe  
Socorro Rodriguez, with the EPA  
Kevin Hamilton, attorney representing Strategies 360