

## Kurt Young

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**From:** Jeff Reading <jeffr@strategies360.com>  
**Sent:** Thursday, December 29, 2016 3:51 PM  
**To:** Kurt Young  
**Subject:** RE: PDC Complaint filed against Larry Wasserman, Dennis McLerran, and Strategies 360

Mr. Young,

Regarding your request from Dec. 6 about the involvement of Strategies 360, a public affairs firm, in the What's Upstream campaign, my response will necessarily be brief, as the complaint against my firm is merely frivolous and retaliatory.

S360 conducted a public opinion poll in 2012 and 2014 on behalf of the Swinomish Indian Tribal Community to gauge the viability of a statewide ballot initiative to create mandatory streamside buffers in riparian farming zones. In both instances, a ballot initiative was not pursued and therefore there was nothing to report to the Public Disclosure Commission. (Even in the event that an initiative was pursued, S360, as the polling firm, would not be the reporting entity: a theoretical campaign committee would be.)

In 2014, S360 aided the Swinomish in developing and launching an educational website regarding mandatory streamside buffers in riparian farming zones. S360 also purchased public radio underwriting ads and social media ads on behalf of the Swinomish. S360 merely provided a platform – in this case, a website – for the public to learn about an environmental issue – no different than any form of media – and purchased ads on behalf of our client to encourage people to visit the website. In neither case was there any lobbying performed, and therefore there was nothing to report to the PDC.

In 2015, S360 aided the Swinomish in relaunching the website and the public radio underwriting ads. This time, S360 also purchased billboard space on behalf of the Swinomish, and included a “take action” button on the website. In none of these cases did S360 perform any lobbying activity nor was S360 the sponsor of any grassroots lobbying campaign, and therefore there was nothing to report to the PDC (RCW 42.17A.640 makes a clear distinction between a sponsor of a campaign and a public affairs agency hired to assist). S360 merely provided a tool by which interested members of the public could contact their elected officials about an issue – no different than any other web services provider offering its clients a “legislative action center;” such providers are not required to report “lobbying activity” and neither was S360. In a separate analysis, S360 would be no more required to report “lobbying activity” than would a newspaper that ran a guest editorial urging readers to contact their legislators. Also, most importantly, we would direct you to the relevant definition of grassroots lobbying under RCW 42.17A.640: “a program to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation.” No bill or specific regulatory change was being requested for support in any of the What's Upstream materials whatsoever – the request to legislators was merely that they become more aware of the issue – therefore no grassroots lobbying campaign occurred, and therefore there was nothing to report to the PDC. Lastly, you asked for the number of letters generated by the “take action” button. This is immaterial. Fewer letters does not create less lobbying activity and more letter does not create greater lobbying activity. In any case, the number of letters was fifty one.

Please let me know if you have additional questions.

Best,  
Jeff

