



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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March 28, 2017

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

RE: Washington State Public Disclosure Commission Recommendation For Complaints re:
Grant County Concerned Voters (Ken Greene & Jerry Moberg), PDC Case 2138

Dear Attorney General Ferguson:

This letter concerns a report with recommendation made by PDC staff to the Commission on March 23, 2017, concerning staff's investigation and findings for two complaints filed against Grant County Concerned Voters (Ken Greene & Jerry Moberg) in 2014. The Complaints are summarized as follows:

1. On October 13, 2014, the PDC received a complaint from Casey Cooper, alleging that on October 11, 2014, he received a two-sided, try-fold mailer. His complaint stated, "*the material contained in it is awful, but it is also not identified as to who sent it except to say Concerned Voters of Grant County.*" Mr. Cooper also alleged that Grant County Concerned Voters (GCCV) did not register and report as a political committee under RCW 42.17A.205, .235, and .240.
2. Also on October 13, 2014, the PDC received a complaint from Anna Unruh, stating that she had received the same mailer, and that the flyer did not contain sponsor identification. She said, "*I find the information about his family life both misleading and produced with malice.*"
3. The two complaints alleged that the mailing failed to identify the individuals who had created and paid for the mailer, and that the group's leaders had not registered Grant County Concerned Voters as a political committee or reported their activities to the PDC in any way.

Staff completed a lengthy investigation that included issuing subpoenas, obtaining bank statements, and conducting interviews under oath. Staff completed its Report of Investigation on March 17, 2017, and prepared an Executive Summary & Staff Analysis. The Commission

considered staff's Report of Investigation and Staff Analysis at its regular meeting held March 23, 2017. At that meeting, Sr. Compliance Officer Phil Stutzman informed the Commission that Counsel for the Respondents had made an oral request that the Commission postpone hearing staff's report to give the Respondents an opportunity to work out a Stipulated agreement with staff concerning the alleged violations. The Commission asked staff to proceed with its report on March 23, 2017, with the understanding that the Commission had the option of rejecting staff's recommendation, and asking staff to bring the matter back to the Commission at a future meeting.

Sr. Compliance Officer Phil Stutzman presented staff's Report of Investigation and Staff Analysis, which included a recommendation regarding the allegations. A copy of staff's Report of Investigation and Executive Summary are enclosed with this letter.

Staff Conclusion

Based on the factors identified in the investigation of the complaints filed by Casey Cooper and Anna Unruh on October 11, 2014, staff concluded as follows:

First Allegation: That Ken Greene and Jerry Moberg violated RCW 42.17A.205, .235, and .240 by failing to register Grant County Concerned Voters as a political committee when they decided to sponsor political advertising supporting Angus Lee and opposing Garth Dano under the name Grant County Concerned Voters, using \$3,872.10 contributed by Jerry Moberg to pay for the mailing.

Second Allegation: That Ken Greene and Jerry Moberg violated RCW 42.17A.320 by using the assumed name "Grant County Concerned Voters" as the sponsor of Electioneering Communication Political Advertising supporting Angus Lee and opposing Garth Dano, instead of disclosing Ken Greene and Jerry Moberg as the sponsor of the mailing, along with other required identifying information concerning sponsorship of the mailer.

Third Allegation: That Ken Greene and Jerry Moberg violated RCW 42.17A.305 by failing to file a C-6 Report of Electioneering Communication Political Advertising within 24 hours of the mailing.

Fourth Allegation: That Ken Greene and Jerry Moberg violated RCW 42.17A.435 by incurring expenditures in a manner to conceal their identities as the sponsor of Electioneering Communication Political Advertising.

Staff Recommendation

For the reasons described above, staff recommended that the Commission find Ken Greene and Jerry Moberg committed multiple apparent violations of RCW 42.17A, and that due to the nature of the violations, an appropriate penalty may exceed the Commission's penalty authority.

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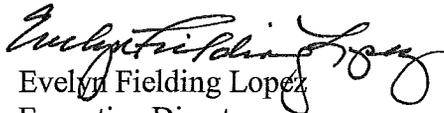
Therefore, staff recommended that the Commission refer this matter to the Attorney General for appropriate action.

Commission Recommendation

Having received staff's report and recommendation, the Commission unanimously adopted a motion that the commission refer this matter to the Attorney General's Office for prosecution under RCW 42.17A.755(3) in lieu of the Commission adjudicating this matter at the Public Disclosure Commission.

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

Sincerely,


Evelyn Fielding Lopez
Executive Director

cc: Commissioners
Linda Dalton, Sr. Assistant Attorney General
Francis Floyd, Counsel for Respondents Ken Greene and Jerry Moberg
Casey Cooper
Anna Unruh