



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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February 17, 2016

NW-360@hotmail.com

Karen Jensen
548 Dickson Avenue
Enumclaw, Washington 98022

Subject: Complaint filed against Chris Hurst, PDC Case No. 2097

Dear Ms. Jensen:

Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received on September 28, 2015 alleging that Chris Hurst may have violated: (1) RCW 42.17A.710 by failing to properly complete his Personal Financial Affairs Statement (PDC Form F-1) when he listed his legislative office phone number as his main contact number, rather than a personal phone number; (2) RCW 42.17A.320¹ by failing to include sponsor information on a letter you described as political advertising because of your allegation that it opposed Darrel Dickson, an Enumclaw City Council member and candidate for re-election, and supported Kimberly Lauk, Mr. Dickson's opponent; and (3) RCW 42.17A.405 by making an over-limit in-kind contribution to Ms. Lauk for the value of the mailing.

The complaint was considered in light of the following statutes:

RCW 42.17A.710 requires elected and appointed officials, and candidates, to file a Personal Financial Affairs Statement, PDC Form F-1.

RCW 42.17A.320 states, in part, that all written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address.

RCW 42.17A.405 generally limits contributions to the office of city council to \$950 for each election.

¹ The complaint alleged a violation of RCW 42.17A.305 for failing to include sponsor identification on a mailing. RCW 42.17A.305 requires a person to file a report of Electioneering Communications (PDC Form C-6), while RCW 42.17A.320 specifies sponsor identification requirements for political advertising.

RCW 42.17A.005(13) states, in part, that a contribution includes an expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate.

RCW 42.17A.005(36) defines “political advertising” as any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

PDC staff reviewed your complaint and all attachments. Staff also reviewed responses from Mr. Hurst and a report of Electioneering Communications (PDC Form C-6) filed by Mr. Hurst. As a result of our investigation, we found the following:

- On February 2, 2015, Mr. Hurst filed his required annual Personal Financial Affairs Statement (PDC Form F-1). As an elected official, he is allowed to list his office phone number on the F-1 report as a contact number. The prohibition referred to on the F-1 is a reminder to candidates completing the form to not use public agency addresses or telephone numbers for contact information. Mr. Hurst filed the F-1 as an elected official and not as a candidate.
- The letters dated August 21, 2015 and September 1, 2015 are the same letter. Mr. Hurst started printing the letters and noticed several of the letters were dated August 21, 2015, instead of September 1, 2015. In an attempt to save money, he used the letters dated August 21, 2015 in addition to the letters dated September 1, 2015. Mr. Hurst stated that he mailed all the letters on September 3, 2015 to a handful of citizens, and not to all the registered voters in the City of Enumclaw, as you alleged.
- In accordance with RCW 42.17A.305, on September 4, 2015, Mr. Hurst timely filed a report of Electioneering Communications, PDC Form C-6, reporting an expenditure for the mailing of \$1,172.57.
- No evidence was provided or found that Mr. Hurst made the expenditure in cooperation, consultation, or concert with, or at the request or suggestion of, Kimberly Lauk, one of the candidates mentioned in the mailing. Thus his expenditure was not an in-kind contribution to Ms. Lauk subject to the contribution limits of RCW 42.17A.405.
- While the letter included the names of Darrel Dickson and Kimberly Lauk, Mr. Hurst denied that the letter was sent to support or oppose either candidate. He said he sent the letter to inform citizens of the City of Enumclaw about land use decisions and zoning proposals.
- Even if the letter constitutes political advertising, it clearly identifies Chris Hurst as the sponsor and states that he paid for the mailing.

- The website, www.investigationenumclaw.com identifies Chris Hurst by including a letter addressed to "Dear Citizens of Enumclaw" that concludes with his name, address, and phone number. No evidence was provided or found that the website was produced in cooperation, consultation, or concert with, or at the request or suggestion of, Kimberly Lauk. Thus it was not an in-kind contribution to Ms. Lauk.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation. We found insufficient evidence to demonstrate that Chris Hurst: failed to properly file his annual Personal Financial Affairs Statement; failed to include sponsor identification in his mailing or on his website; or made an over-limit in-kind contribution to Kimberly Lauk, a candidate for Enumclaw City Council.

Because staff's investigation has not revealed sufficient evidence to establish a material violation of any laws or regulations under the Commission's jurisdiction, I am dismissing your complaint against Chris Hurst with the concurrence of the Chair of the Public Disclosure Commission.

If you have questions, please contact William A. Lemp III, Lead Political Financial Investigator at 360-753-1980 or toll-free at 1-877-601-2828 or by e-mail at william.lemp@pdc.wa.gov.

Sincerely,


Evelyn Fielding Lopez
Executive Director

cc: Chris Hurst