

November 18, 2015

To the Washington State PDC, Complaint Division;

During the 2015 local election council positions for the City of Burien, what appears to be a recorded call/robo call was made to Burien citizens /voters on approx. October 30, 2015. The call (of which a tape recording is included) ^{is} with this letter.

The specific candidates that this call was made to benefit are; Austin Bell, Holli Giffin and Jon Scherer. The addresses for each of these candidates is as follows;

Jon Scherer - Campaign

12648 14th Ave S

Seattle, WA 98168

Phone: 206-242-1883

jon.scherer-campaign@comcast.net

Elect Giffin

P.O. Box 66591

Burien, WA 98166

Phone: 206-669-8618

electgiffin@gmail.com

Elect Bell • PO Box 214 Seahurst Post Office • Burien, Washington, 98062, claimed residence 15801 Maplewild S. W., Burien, 98166, ph. 206-714-5981, 425 282 5404

The call was made by ex mayor, Brian Bennett, 15701 13th SW Burien, WA. In the call Mr. Bennett does not state who sponsored or paid for the call. He only gives his name as the caller. So it is unclear whether this robo call was privately sponsored by Mr. Bennett or was paid for by a PAC.

Additionally in reviewing the candidates' individual files on the PDC site, there is no record of an in kind contribution of a robo call from Mr. Bennett or from a PAC that Mr. Bennett may have called on behalf of. Also this call is not shown as an independent expenditure from Mr. Bennett or a PAC.

I have heard the tape which was taken from the phone message recording device and the voice on the tape seems to be that of Brian Bennett. It is unclear to me how many citizens in Burien received that call. Mr. Bennett or the real sponsor of the call would have the actual number of Burien voters this call went to. The tape is wrapped in foil so that it will not be damaged if it has to go through an xray machine before arriving to your office.

I believe this to be a possible violation of ads because it does not clearly identify who is the sponsor of this ad or who paid for it. By the way, city council positions in Burien are nonpartisan positions. This call introduces a partisan element to who should be elected to the council.

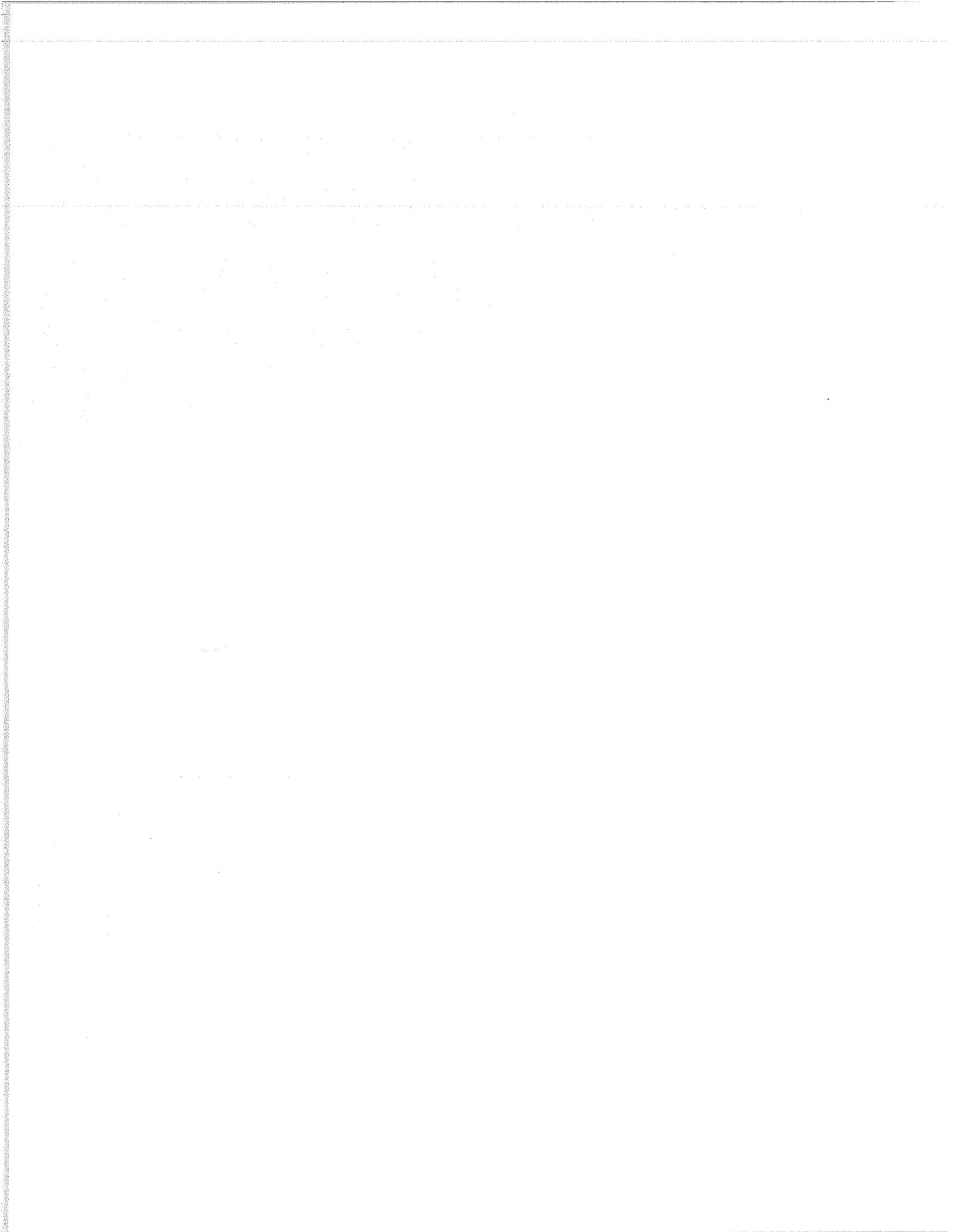
Per WAC 390-32-030 (6), I am requesting that my identity on this complaint be shown as anonymous and disclosed only as necessary per the rules set for investigating fair election violations.

If you have any further questions, please contact me at ,

Respectfully,



MR. ROBERT C. HOWELL
PO BOX 420
SEAHURST, WA 98062-0420



Certification

In signing this complaint:

- I have provided all information, documents and other evidence of which I am aware;
- If I become aware of additional information, documents or evidence related to my complaint, I will promptly provide it to the PDC; and,
- I am providing the PDC current information on how to contact me, and will promptly update that information if it changes.
- Unless otherwise noted, I agree that PDC may use email instead of U.S. mail for all written correspondence about this complaint.

E-mail address: Howellrobertc9@gmail.com

Your name (print or type):

Street address:



**MR. ROBERT C. HOWELL
PO BOX 420
SEAHURST, WA 98062-0420**

City, state and zip code:

Telephone number (including area code): 206-244-6070

Oath

Required for all complaints filed with the Public Disclosure Commission:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.*

Your signature

Robert C. Howell

Date signed

11-19-2015

Place signed (city and county)

Burien

King

City

County



WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION

COMPLAINT FORM

(See instructions on the last page.)

Description of Complaint

1. RESPONDENT:

Identify who you are filing a complaint against and provide all contact information you have for them. Give names and titles, if any, for individuals, and the full name of any organization. Please note that the PDC does not enforce federal campaign finance laws or local ordinances.

Example #1: Joe Public, Mayor of My Town,

123 Main Street, Your Town, State, Phone: 555-123-4567, Email: unknown

Example #2: The Political Action Group (instead of P.A.G.), 123 Main Street, Your Town, State,

Phone: 555-123-4567, Email: pag@pag.org, Website: www.PAGwashington.org

2. ALLEGED VIOLATIONS:

Explain how and when you believe the people/entities you are filing a complaint against violated RCW 42.17/RCW 42.17A or Title 390 WAC. Be as detailed as possible about dates, times, places and acts. If you can, cite which specific laws or rules you believe were violated. Attach additional pages if needed. (Note that the RCW 42.17 citation applies to conduct before 2012 and the RCW 42.17A citation applies to conduct on or after January 1, 2012.)

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Evidence and Witnesses

3. EVIDENCE:

List the documents or other evidence you have that support your complaint, if any, and attach copies to this form. If you do not have copies, provide any information you have about where you believe the documents or evidence can be found and how to obtain it. Attach additional pages if needed.

Example: Emails between Joe public and Candidate X, attached OR

Joe Public has emails from Candidate X which describe an illegal campaign donation,

and Joe Public's phone number is 555-123-4567.

4. WITNESSES:

List the names and contact information, if known, of any witnesses or other persons who have knowledge of facts that support your complaint. Attach additional pages if needed.

Example: Jane Public was present when Candidate X spoke to me about the illegal contribution. Jane Public's address is 123 Main Street, Your Town, USA 12345, and her phone number is 555-123-4567.

WAC 390-32-030

Complaints—Fair Campaign Practices Code.

(1) Written and signed complaints alleging a violation of one or more specific provisions of the Fair Campaign Practices Code for candidates and political committees (WAC 390-32-010) may be submitted to the public disclosure commission by any person.

(2) Upon receipt of a complaint, the executive director shall forward a copy of the complaint to the complainee within twenty-four hours, accompanied by a request for a response to the complaint returned within five days from the date of mailing.

(3) Upon receipt of the complainee's response, the executive director shall forward a copy to the complainant. A copy of the complaint and the response shall be sent to news media. The complaint and the response shall be available at the commission office for public inspection and copying. If the complainee does not respond within five days, the complaint shall be made public without a response.

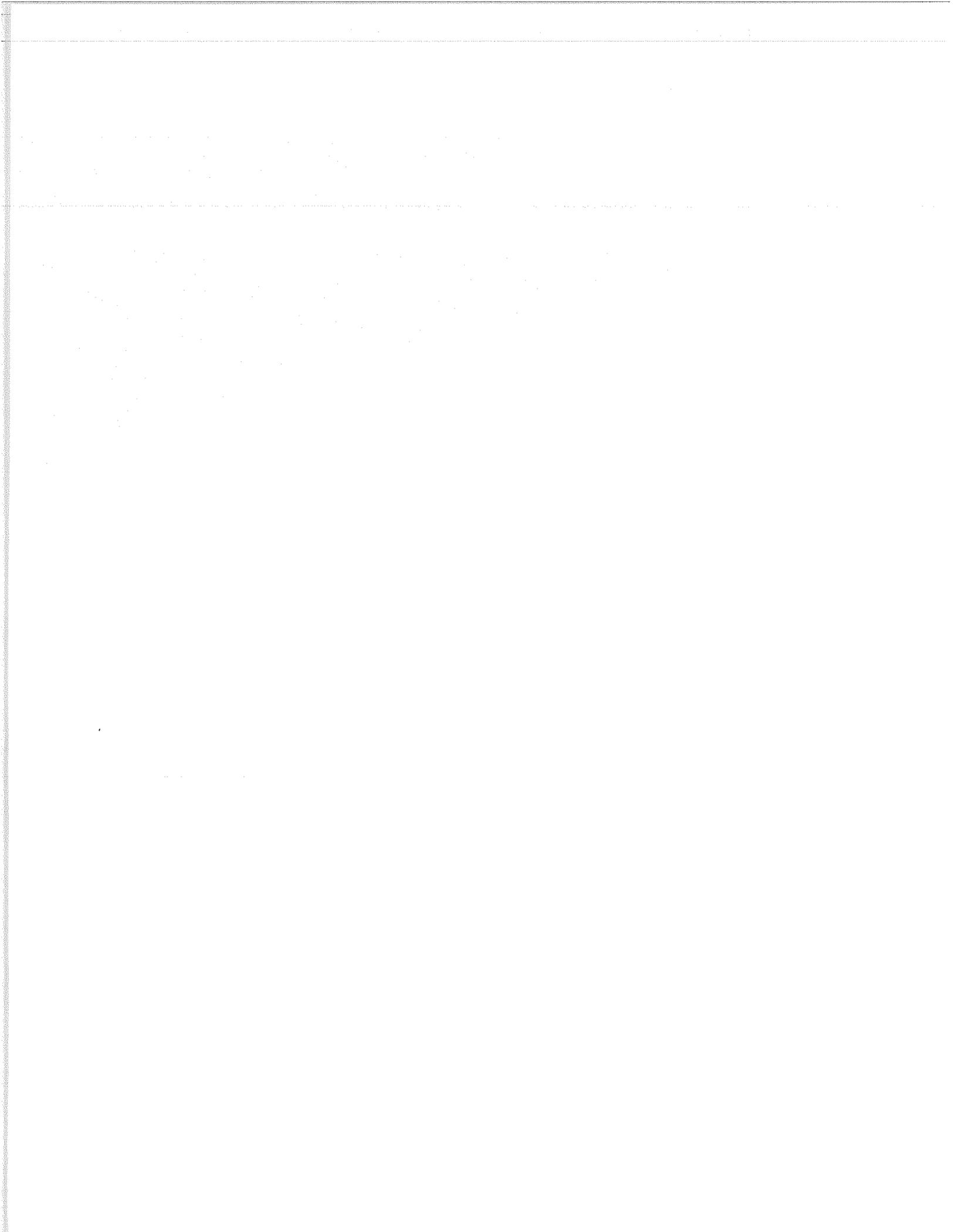
(4) The commission will make no attempt to secure a reply to and will make no public release of complaints received within eight days of an election.

(5) The commission will not issue comments or opinions about complaints or responses.

✓ (6) In the absence of any contrary intention as expressed by the complainant, the filing of a complaint with the commission constitutes implied consent to have the complainant's identity disclosed.

[Statutory Authority: RCW 42.17.370(1) WSR 85-22-029 (Order 85-04), § 390-32-030, filed 10/31/85; Order 93, § 390-32-030, filed 8/26/77; Order 91, § 390-32-030, filed 7/22/77.]

To print page in WAC, use your browser normal function (Ctrl-P on PC, Command+M on a Mac). File > Function on either. The result printed will show just the content not the banner at the top, left-side navigation or the file links. To see how the page will look before you print, use your browser's Print Preview



GENERAL REQUIREMENTS

Party preference must be included in any form of advertising about a candidate seeking election to a partisan office, regardless of who sponsors the ad. Acceptable abbreviations that may be used for party preference are:

Communist—Com
Constitution—CP
Democrat—D, Dem, Demo
Independent or unaffiliated—Ind, Indep
Libertarian—L, LP, LBT, LBTN
Progressive—P, PP, Prog
Republican—R, GOP, Rep (use Rep only if it does not falsely imply the candidate is an incumbent State Representative)
Socialist—Soc
Socialist Workers—Soc Workers, SWP
Official symbols or logos adopted by the state committee of the party may be used in lieu of other identification.

Sponsor Identification is required for political advertising, except for certain types of ads that are listed in the far-right column. (There are no exemptions for party preference.) The "sponsor" is the candidate, committee, or other person who pays for the ad. When the person buying the ad is an agent for another person or is otherwise reimbursed, the sponsor is the ultimate spender. When no payment is demanded or the cost is not readily ascertainable, the sponsor is the person who arranges for the ad to be displayed or broadcast.

The PDC's Independent Expenditure Ads & Electioneering Communications brochure explains the unique Sponsor ID requirements for those types of ads.

When **candidate photos** are used in an ad, at least one of them must have been taken within the last five years and it can be no smaller than the largest candidate photo in the ad.

Do not falsely imply incumbency in a political advertisement about a candidate who does not hold the office. Recommended format: **Elect Tracy Jones Auditor** or Tracy Jones for Auditor.

MORE ABOUT SPONSOR ID

Use the words "paid for by" or "sponsored by" followed by the sponsor's name & address. Include all sponsors' names & addresses, if there are multiple sponsors. A political committee must include its Top 5 contributors' names when sponsoring an ad about a ballot measure with a cost of at least \$1,000 in the aggregate. (Top 5 = the five largest contributors who gave more than \$700 during the 12 months before the ad appears.)

PRINT ADS & WEBSITES—display sponsor ID and any party preference in an area set apart from the ad text on the first page of the ad. Use at least 10-point type; do not screen or half-tone the text. Exceptions—

BILLBOARDS/POSTERS: Use type that is at least 10% of the largest size type used in the ad.

SMALL ONLINE ADS WITH LIMITED CHARACTERS may display sponsor ID & party preference in an automatic display such as a mouse tip/follower or nonblockable pop-up that remains visible for at least 4 seconds OR on a webpage that is conspicuously linked to the small ad and reached with one mouse click.

BROADCAST ADS, VIDEOS, and ONLINE AUDIO ADS—Clearly speak the sponsor's name and any party preference. (Sponsor's address not required) When necessary in TV or video ads, a political committee has the option of displaying its Top 5 contributor names on the screen for at least 4 seconds in letters greater than 4% of the visual screen height at a reasonable color contrast with the background. An abbreviations may be used when naming a Top 5 contributor, if the full name of the contributor has already been clearly spoken in the ad.

DESCRIBING CANDIDATES IN ADS

Incumbent is the person who is in the office now, regardless of whether s/he was appointed or elected.

Re-Elect means that the candidate holds the office now and is seeking another term in the same office OR that the candidate was elected to the office in the past, but is not the incumbent, in which case the ad must clearly state that the candidate is not the incumbent.

Retain can be used for any incumbent.

Return represents that the candidate holds, or has previously held the office being sought.

EXEMPT FROM SPONSOR ID

badges & badge holders
balloons
bumper stickers (≤ 4" x 15")
business cards
buttons
cigarette lighters
clothing
coasters
combs
cups
emery boards
envelopes
erasers
Frisbees
glasses
golf balls & tees
hand-held signs
hats
ice scrapers
key rings
knives
labels
letter openers
matchbooks

nail clippers & files
print newspaper ads (≤ one column inch)
noisemakers
official voter pamphlet
paper & plastic cups
and plates
paperweights
pencils
pendants
pens
pinwheels
pocket protectors
reader boards with moveable letters
ribbons
rulers (≤ 12")
shoe horns
skywriting
stickers (≤ 2-3/4" x 1")
sunglasses
sun visors
swizzle sticks
tickets to fund raisers
whistles
yard signs (≤ 8" x 4")
yo-yos
all similar items



The sponsor's name & address may be left off of a political ad that meets all of the following criteria:

- the sponsor is an individual acting on his or her own behalf, independent of any candidate, political committee or organization, who personally produces and distributes the ad (or pays for it to be produced and/or distributed);
- the sponsor receives no contributions or other support to produce and distribute the ad;
- no more than \$50 in the aggregate is spent for online advertising or \$100 in the aggregate for any other type of advertising; and
- the advertising is EITHER distributed through the individual's social media site, personal website, or similar online forum where information is produced and disseminated only by the individual OR a letter, flier, handbill, text or e-mail from the individual that does not appear in a newspaper or comparable mass publication.

PDC FLYER

TAPE PLAYS ON MICROCASSETTE RECORDER