



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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March 1, 2016

Kay George

by email only to: inov8@comcast.net

Subject: PDC Complaint 1555, Rocky Walker

Dear Ms. George:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on October 23, 2015. Your complaint alleged that Rocky Walker violated RCW 42.17A.335(1)(a) by sponsoring political advertising or an electioneering communication that contained a false statement of material fact about a candidate for public office, made with actual malice and constituting libel or defamation per se. Specifically, you alleged that Mr. Walker sponsored a mailing on or around October 12 – 14, 2015 that contained statements concerning you and your husband, Ray George, and that these statements were both false and prohibited under the law. Finally, you alleged that Mr. Walker failed to include a statement of sponsor identification in his mailing, an alleged violation of RCW 42.17A.320.

PDC staff reviewed your allegations to determine whether a formal investigation or enforcement action is warranted. As a result of staff's initial review, we found the following:

- The statements in Mr. Walker's mailing consisted primarily of assertions about you, including that you destroyed public records during your city council term ending in 2013.
- PDC staff understands that in October of 2015 you were not a candidate for election to city council or any other office. Accordingly, the statements in Mr. Walker's mailing concerning your alleged destruction of public records, and any other statement about you, were not statements about a candidate for public office. As such, they were not subject to the prohibition in RCW 42.17A.335(1)(a).
- Mr. Walker's mailing contained the statement, "*Al Wirta, Bart Dalmasso, and Ray and Kay George are running as a 'Gang' to take over the City of Sultan.*" The mailing suggested that the recipient question unidentified candidates for city council concerning a lawsuit that was filed against the city. In your complaint, and in subsequent correspondence with PDC staff, you indicated that neither you nor your husband are plaintiffs in this lawsuit. However, as indicated above, because you were not a candidate for election in 2015, it is unclear whether the statement is meant to refer to you.
- PDC staff understands that Al Wirta and Bart Dalmasso are in fact plaintiffs in a lawsuit against the City of Sultan, concerning the alleged misappropriation of funds. Accordingly, statements concerning their involvement in a lawsuit against the city are factual.

- Mr. Walker's mailing did not include the words "paid for by" or "sponsored by." However, the mailing did include Mr. Walker's return address, and was signed with his name.
- Mr. Walker has no prior infractions on record relating to sponsor identification in political advertising.

Per RCW 42.17A.335(4), violations of RCW 42.17A.335(1)(a) must be proven by clear and convincing evidence. PDC staff's initial review of your complaint indicated that the statements in Mr. Walker's mailing either had a basis in fact, or were not statements about a candidate. Although Mr. Walker's mailing did not contain a statement indicating that he paid for the mailing, the content of the mailing was clearly attributed to him, and his mailing address was provided. Based on these initial findings, I have determined there is no reason to believe that Rocky Walker committed a material violation of any law under the Commission's jurisdiction. For this reason, the PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing enforcement action in this case. In accordance with PDC practice to issue a warning for first-time minor violations of political advertising requirements, Mr. Walker will receive a written warning that the failure to include complete sponsor identification in future political advertisements could result in enforcement action before the Commission.

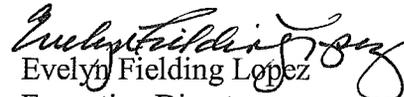
If you have questions, you may contact me at (360) 586-1042, toll-free at 1-877-601-2828, or by replying to the attached email.

Sincerely,

Endorsed by:



Tony Perkins
PDC Compliance Officer



Evelyn Fielding Lopez
Executive Director

cc: Rocky Walker