



State of Washington
PUBLIC DISCLOSURE COMMISSION
711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

Nov. 27, 2018

Delivered electronically to info@votepinkyvargas.com

Subject: Complaint regarding Pinky Vargas, re PDC Case 41036

Dear Pinky Vargas

Enclosed is a copy of an electronic letter sent to Mark Nelson concerning a complaint he filed against you alleging violations of RCW 42.17A.555 for using the facilities of a public agency, in this instance Bellingham Fire Station No. 6, to support your 2018 campaign for State Senator.

As noted below in the electronic letter to Mr. Nelson, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

If you have questions, you may contact Alice Fiman at 1-360-586-4746 or toll-free at 1-877-601-2828, or by e-mail pdcc@pdcc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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Nov. 27, 2018

Delivered electronically to “markspeaksout@gmail.com”

Subject: Complaint regarding Pinky Vargas, PDC Case 41036

Dear Mark K. Nelson:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed Sept. 14, 2018. Your complaint alleged that Pinky Vargas, an incumbent Bellingham City Councilmember and a candidate for State Senator in the 42nd Legislative District, may have violated RCW 42.52.180 which is the statute governing the Executive Ethics Board.

The PDC would be the state agency with jurisdiction over your allegation that Ms. Vargas violated RCW 42.17A.555 by using public facilities to support her campaign by having a photograph taken in front of a fire station that included several fire fighters and using that photograph in political advertising.

PDC staff reviewed the allegations listed in your complaint, PDC laws, rules and, PDC Interpretation No. 04-02 Guidelines for Local Public Agencies in Election Campaigns, and the responses from Ms. Vargas, Shelby Kremenich, Campaign Manager, Friends of Pinky Vargas, and Colin Lowin, PAC Chair, International Association of Firefighters, Local 106 Bellingham/Whatcom Co. Union Firefighters (IAFF Local 106).

As a result of the review, we found the following:

- On January 18, 2018, Pinky Vargas filed a Candidate Registration (C-1 report) declaring her candidacy for State Senator for the 42nd Legislative District. Ms. Vargas is an incumbent Bellingham City Councilmember since being elected to that office in 2013, and she was re-elected City Councilmember in 2017.
- PDC Interpretation 04-02 provides guidance to public agencies and employees concerning using public facilities to support or oppose a candidate or ballot proposition, and states that RCW 42.17A.555 “does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or

ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.”

- Staff reviewed the photograph on the Vote Pinky Vargas Facebook page which featured Ms. Vargas and eight fire fighters in civilian clothes on the sidewalk in front of Bellingham Fire Station No. 6. All eight fire fighters were wearing IAFF t-shirts, hoodies, and jackets, with two of the fire fighters holding helmets, but no logo was displayed, and three fire department vehicles were in the background.
- Ms. Vargas stated that the photograph taken by her Campaign was “on a public sidewalk, accessible by all. Any member of the public could take a photo there. The firefighters in the photo were off duty and wearing personal clothing and gear. The PDC has repeatedly ruled that this sort of activity by campaigns is appropriate.”
- In response to the complaint, Colin Lowin with IAFF Local 106 stated all the fire fighters feature in the photograph were wearing private clothing and some of the articles of clothing were “purchased from our Local with our Union logo” and helmets in the photo “are privately owned by individuals. No one in the photo shoot stepped off of the (public) sidewalk. The fire apparatus on the apron were there as a matter of course: every Saturday, fire apparatus are pulled out onto the apron for a thorough check. During the time they are on the apron, often the apparatus bay is washed as well.”

For your information, Ms. Vargas as an incumbent Bellingham City Councilmember and she cannot authorize the use of fire district facilities to support her candidacy. In addition, sidewalk is considered public domain and the firefighters featured in the photograph were not using fire district uniforms or gear and were not on official duty. Thus, the firefighters did not violate RCW 42.17A.555.

Based on these facts, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Alice Fiman at 1-360-586-4746 toll-free at 1-877-601-2828, or by e-mail at alice.fiman@pdc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

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Barbara Sandahl
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