



**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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

[DATE]

Delivered electronically to info@sutherland4rep.com and “votejudgeolbrechts@gmail.com”

Subject: PDC Case 41472 and 41473

Dear Robert Sutherland and Kristen Olbrechts:

Below is a copy of an electronic letter sent to Jordan Sears concerning a complaint filed with the Public Disclosure Commission (PDC). Both campaigns entered into a verbal agreement concerning services being provided for sign locations, structures and maintenance based on an established fair market value agreed to by both parties.

The PDC found no evidence that the fair market value established between the two parties resulted in any contributions being made between the two campaigns and will not conduct a more formal investigation into your complaint or pursue further enforcement action in this case. Based on this information, the PDC has dismissed these matters in accordance with RCW 42.17A.755(1).

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

Sincerely,

/s_____

Alice Fiman
Compliance Officer

Endorsed by,

/s_____

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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Delivered electronically to “jordansears19@gmail.com”

Subject: Complaint regarding, PDC Case 41472 and 41473

Dear Jordan Sears:

The Public Disclosure Commission (PDC) completed its review of the two complaints you filed on Sept. 20 concerning Robert Sutherland, a candidate for State Representative in the 39th Legislative District in 2018, and Kristen Olbrechts, an incumbent Snohomish County Superior Court Judge and candidate seeking re-election to that office in 2018.

The complaints alleged that: (1) Robert Sutherland may have violated RCW 42.17A.405 by disclosing the receipt of contributions on Monetary Contributions reports (C-3 reports) from the Kristen Olbrechts Campaign that exceeded the \$1,000 per election contribution limits; and (2) Kristen Olbrechts may have violated RCW 42.17A.430 by transferring active campaign funds to Robert Sutherland campaign and RCW 42.17A.405 by making contributions to Robert Sutherland that exceeded contribution limits.

PDC staff reviewed your allegations, the statutes, rules and reporting requirements, the C-3 and C-4 reports filed by both Robert Sutherlands Campaign and Kristen Olbrechts Campaign, and the responses received from both Campaigns. Based on staff’s review, we found the following:

- On April 4, 2018, Robert Sutherland filed a Candidate Registration (C-1 report) declaring his candidacy for State Representative in the 39th Legislative District in 2018, selecting the Full Reporting Option and listing Tom Perry as Treasurer. Mr. Sutherland was an unsuccessful candidate for Snohomish County Executive in 2015, and the Snohomish County Council in 2017.
- On January 22, 2018, Kristen Olbrechts filed a C-1 report declaring her candidate for re-election to the office Snohomish County District Court Judge, Position 1, selecting the Full Reporting Option and listing Abbot Taylor as Treasurer. Judge Albrecht’s is the incumbent Snohomish County District Court Judge, Position 1 since being election in 2015.
- RCW 42.17A.430 prohibits candidates from using active campaign funds to make contributions to another candidate or a political committee.
- On July 17, 2018, Mr. Sutherland contacted PDC staff by email and inquired about the permissibility of two candidates sharing “wooden structures that hold large campaign signs” and how to report the activity if one candidate paid for and built the sign structure(s), and another candidate expressed interest in attaching one of their campaign

signs to the structures. PDC staff responded by stating if the sign structure(s) are made available to another candidate, “you would need to either rent or purchase part of it” for the “fair market value” as determined and agreed upon by both campaigns. PDC staff informed Mr. Sutherland that his campaign would report the check for the service as a Miscellaneous Receipt on line 1d of the C-3 report, rather than as a contribution.

- On Aug. 31 Kristen Olbrechts contacted PDC staff for guidance concerning her re-election about how her campaign should report paying another campaign to provide signage services to post and maintain her campaign signs. Judge Olbrechts stated that “it is my understanding that my campaign would write a check to the other campaign, and they would list this as a receipt in their C-4 report.” PDC staff responded that her understanding was correct except “that the other campaign will report the check you write to them as a miscellaneous receipt on a C-3 deposit report. Your campaign will report the expenditure on a Schedule A to the C-4.”
- On September 9, 2018, the Olbrechts for Judge Committee timely filed the Post-Primary Election C-4 report disclosing a \$4,000 expenditure was made on August 28, 2018, to the Friends of Sutherland Campaign and listing the description as “Yard Sign Stands – Rent.”. On October 15, 2018, the Olbrechts for Judge Committee timely filed the 21-Day Pre-General Election C-4 report disclosing a \$1,000 expenditure was made on September 14, 2018, to the Friends of Sutherland Campaign and listing the description as “Yard Sign Stands – Rent/Maintenance.”
- On September 3, 2018, the Friends of Sutherland timely filed a C-3 report disclosing the receipt of \$4,000 on line 1d of the C-3 report as a Miscellaneous Receipt received and deposited on August 28, 2018, from Olbrechts for Judge Committee and listing the description as “Leasing of field sign locations.” On September 18, 2018, the Friends of Sutherland timely filed a C-3 report disclosing the receipt of \$1,000 on line 1d of the C-3 report as a Miscellaneous Receipt received and deposited on September 14, 2018, from Olbrechts for Judge Committee and listing the description as “Leasing of field sign locations.”
- Mr. Sutherland stated that the two campaigns entered into a verbal agreement that involved two different fair market values being established agreed upon by both parties based on the ease or difficulty of the installation the geography of the land, and the sign location. He stated that since each sign location is unique, the campaigns agreed on \$100 for each sign that was an “easy” installation of her signs onto my structures, structures that allowed for both of our signs to be seen by the public.” He stated that the campaigns agreed on \$500 for the more difficult sign location since those “signs structures only allowed for ONE sign to be seen by the public...due to the height of the land relative to the roadways” which required him to construct additional wooden structures that “greatly increased the time, trouble and cost of the endeavor.”
- Mr. Sutherland stated the agreement included: (1) ten Olbrechts campaign signs were added to his structures that already included his signs for a cost of \$100 per sign and a total of \$1,000; and (2) eight of his sign structures would only feature Olbrechts campaign signs, and not his signs, for a cost of \$500 per sign for a total of \$5,000. He stated that the agreement also included for the maintenance of the Olbrechts campaign signs during the election period, “in case of vandalism or inclement weather, etc. and that

after the election had concluded her signs would be removed and delivered to her. This was included in the two price structures mentioned above.”

Based on these initial findings, staff determined no evidence supports a finding of an actual material violation warranting further investigation. Both the Sutherland and Olbrechts campaigns entered into a verbal agreement concerning services being provided for sign locations, structures and maintenance based on an established fair market value agreed to by both parties. The PDC found no evidence the fair market value established between the two parties resulted in any contributions being made and will not conduct a more formal investigation into your complaint or pursue further enforcement action in this case.

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

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

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