



**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.pdca.wa.gov

Jan. 22, 2019

Delivered electronically to "clerkmann@gmail.com"

Subject: PDC Case 42513

Dear Michael Killian:

Below is a copy of an electronic letter sent to Mitchell Giddens concerning a complaint filed with the Public Disclosure Commission (PDC). As noted below, the PDC will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(b), you are hereby formally warned concerning your failure to comply with the requirements to include your party preference on political advertising sponsored by your 2018 campaign in accordance with RCW 42.17A.320 and WACs 390-18-020 and 390-05-274.

PDC staff expects you to clearly identify you party preference on all political advertising sponsored by you in future years in accordance with PDC laws and rules. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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 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 Office

Endorsed by,

/s_____

Peter Lavalley
Executive Director



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Jan. 22, 2019

Delivered electronically to “mcflyfish@hotmail.com”

Subject: Complaint regarding Michael Killian

Dear Mitchell Giddens:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed against Michael Killian, the incumbent Franklin County Clerk and a candidate seeking re-election to that office in 2018. The complaint alleged Mr. Killian may have violated RCW 42.17A.320 by failing to identify a party preference in political advertising, specifically a radio advertisement.

PDC staff reviewed the allegations listed in the complaints, the statutes, rules, and reporting requirements and response from Mr. Killian.

Based on staff's review, we found the following:

- On January 12, 2018, Michael Killian filed a Candidate Registration (C-1 report) declaring his candidacy for Franklin County Clerk in 2018, selecting the Mini Reporting Option, and listing himself as the Campaign Treasurer. Mr. Killian has been the Franklin County Clerk since being appointed to that position in January of 2001, and was elected to that position in November of 2001, and re-elected to that office in 2006, 2010, 2014, and 2018.
- On August 3, 2018, Mr. Killian filed an amended C-1 report changing his campaign bank account information and increasing the amount of the candidate filing fee to \$902.76.
- Mr. Killian listed on both C-1 reports filed in 2018 that his political party preference was as a Republican.
- As noted above, Mr. Killian has been County Clerk since 2001, and he has no prior PDC violations.
- In his response, Mr. Killian stated that he reviewed the PDC website, however he believes “The information on the PDC site is ambiguous, and he noted there were many

television and radio advertisements that ran on local TV and Radio stations sponsored by candidates and major political party organizations and did not state the party preference of the candidates featured in the ads. He noted those advertisements included Susan Hutchinson and Maria Cantwell, (both candidates for United States Senator in 2018), and Jen Goulet and Mary Dye (both candidates for State Representative).

- Mr. Killian added that this was the first time he sponsored political advertisements using radio spots since becoming a candidate in 2001, and he acknowledged that he received information from the PDC on the requirement to include his party preference on political advertising sponsored by his campaign.

Based on these findings, staff has determined that in this instance, failure to include party preference does not amount to a material violation warranting further investigation or pursuing further enforcement action in this case.

Pursuant to WAC 390-37-060(1), Michael Killian will receive a formal written warning concerning the failure to comply with the requirement to include his party preference on political advertising sponsored by his 2018 campaign in accordance with RCW 42.17A.320, WAC 390-18-020 and WAC 390-05-274.

The formal written warning will include staff's expectation that Michael Killian clearly identify his party preference on all political advertising sponsored by his campaign in future years in accordance with PDC laws and rules. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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 or toll-free at 1-877-601-2828, or by e-mail pdcc@pdcc.wa.gov.

Sincerely,

/s_____

Alice Fiman
Compliance Office

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Peter Lavalley
Executive Director